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LETTER DATED 24 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a copy of a report covering the efforts made by the Organization of African Unity (OAU) High-level Delegation on the Dispute between Ethiopia and Eritrea, submitted to the Fourth Ordinary Session of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, held at the summit level at Ouagadougou on 17 and 18 December 1998 (see annex).

The conflict between Ethiopia and Eritrea was one of the issues dealt with by the OAU Central Organ of the OAU Mechanism at its fourth session.

The Central Organ considered the report of the OAU High-level Delegation on the dispute between Ethiopia and Eritrea and endorsed the proposal for a framework agreement submitted by the OAU High-level Delegation and affirmed that the proposal constitutes an appropriate framework for the resolution of the dispute between the two countries. To that end, the Central Organ called upon the two parties to continue to cooperate with the OAU High-level Delegation with a view to creating the necessary conditions for a speedy implementation of the framework agreement.

The OAU proposal for a framework agreement envisages, among other things, the withdrawal of Eritrean armed forces from the Ethiopian territory of Badme and its environs as well as the restoration of the Ethiopian civilian administration to those territories. The Government of Eritrea continues to reject these and other core elements of the OAU proposal.

Ethiopia's position on the OAU peace proposal is well known. In a letter dated 12 November 1998, the Prime Minister of Ethiopia, Meles Zenawi, informed the current chairman of OAU, Blaise Compaore, President of Burkina Faso, that the Government of Ethiopia had formally and officially accepted the High-level Delegation's peace proposal. This position of Ethiopia was reiterated at the OAU Central Organ summit on 17 December 1998 in Ouagadougou.

The Government of Eritrea, which rejected the OAU peace proposal and relegated it to "talking points", continues to undermine the OAU peace effort by creating confusion and by levelling unfounded allegations against some of the

members of the OAU High-level Delegation and the OAU itself. Eritrea's rejection of the OAU peace proposal, and its persistent assault on all peace efforts and initiatives make it evident that the Eritrean authorities have no desire to resolve the crisis between them and Ethiopia peacefully.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

Annex

Report on the efforts made by the OAU High-level Delegation on the Dispute between Ethiopia and Eritrea

1. The dispute between Ethiopia and Eritrea was one of the major preoccupations of the 68th Ordinary Session of the OAU Council of Ministers and the 34th Ordinary Session of the Assembly of Heads of State and Government held in Ouagadougou, Burkina Faso, from 1 – 10 June, 1998. The escalation of the dispute, especially the use of air strikes, was a source of grave concern for the Heads of State and Government.

2. After having been extensively briefed by the Ministers of Foreign Affairs of Ethiopia and Eritrea on the positions of their respective countries and following its deliberations on the issue, the Assembly of Heads of State and Government adopted a Resolution in which it :

- *expressed deep concern over the escalation of the conflict;*
- *endorsed the relevant Resolution of the 68th Ordinary Session of the Council of Ministers on the crisis between Ethiopia and Eritrea; and urgently appealed to the two parties to, concurrently and simultaneously, put an end to all hostilities, accept and implement the recommendations of the Facilitators;*
- *decided to send, to Ethiopia and Eritrea, a delegation of Heads of State and Government of the Central Organ to be led by the Current Chairman.*

3. Subsequently, during a meeting of the Central Organ held at Summit level, immediately after the closing of the Thirty-fourth Ordinary Session of the Assembly, it was agreed that the OAU High Level Delegation will be led by the Current Chairman, and comprise the Heads of State of Djibouti, Zimbabwe and Rwanda as well as the Secretary General of the OAU.

4. The OAU High Level Delegation visited Ethiopia and Eritrea on 18 and 19 June 1998. In undertaking its mission, the OAU High Level Delegation was guided not only by the letter but also by the spirit of the Summit's Resolution, whose ultimate objective was to ensure that everything was done to put an end to the

hostilities, bring about a peaceful solution to the dispute and restore a climate of cooperation and friendship between the two sisterly countries.

5. In both countries, extensive discussions were held with Prime Minister Meles Zenawi and President Isaias Afeworki respectively, who stated the positions of their respective countries and expressed their disposition to seek a peaceful solution to the dispute. In that regard, the Ethiopian side reiterated its acceptance of the proposals of the Facilitators which, among others, provided for the redeployment of the Eritrean Forces from Badme to positions held prior to May 6, 1998, and for the demilitarization, delimitation and demarcation of the common border. The Eritrean side, on the other hand, stated that, as far as it was concerned, the Facilitation Process was over. It made it clear that it considered OAU's efforts as a new initiative. Eritrea also submitted proposals which focused on the demilitarization and demarcation of the entire border between the two countries.

6. It is to be noted that during the visit of the OAU High-Level Delegation, the leaders of both Ethiopia and Eritrea expressed support and pledged their full cooperation to ensure the success of OAU efforts.

7. At the end of its discussions with the leaders of both Ethiopia and Eritrea, the High Level Delegation issued the following Statement:

> ***"There is no need to recall the circumstances which prompted the OAU Summit in Ouagadougou to send a High-Level Delegation of Heads of State to Ethiopia and Eritrea.***
>
> ***It may be useful however to recall the Summit Decision on this grave issue:***
>
> ***a) The Summit expressed its deep concern over the escalation of the conflict;***
>
> ***b) The Summit urgently appealed to the two Parties to, at the same time and simultaneously, put an end to all hostilities, accept and implement the recommendations of the Facilitators;***
>
> ***c) The Summit decided to send to both countries a delegation of Heads of State and Government.***

The OAU High-Level Delegation was led by President Blaise COMPAORÉ of Burkina Faso, the Current Chairman of the OAU. It included President Robert MUGABE of Zimbabwe, President Pasteur BIZIMUNGU of Rwanda, the Minister of Foreign Affairs of Djibouti, representing President Hassan Gouled APTIDON, Current Chairman of IGAD and the Secretary General of the OAU.

The Delegation held, yesterday morning, a meeting with Prime Minister Meles Zenawi of the Federal Democratic Republic of Ethiopia. It then proceeded to Asmara, where it met with President Isaias Afwerki of the State of Eritrea. The Delegation had another meeting this morning with Prime Minister Meles Zenawi.

The Delegation listened carefully to both Parties which articulated their respective positions. It welcomed the disposition reiterated by both Parties to seek a peaceful solution to the dispute and avoid further escalation of the conflict. It also welcomed the current climate of restraint and cessation of hostilities observed by both Parties.

It will be recalled that the Facilitators have put forward some proposals to both Parties as a way of bridging the gap between them. These proposals were supported by the Ouagadougou Summit.

In the course of its discussions with both Parties, the Ethiopian side reiterated its acceptance of the proposals of the Facilitators. The Eritean side stated clearly that the Facilitation was over.

From this point of view therefore, the Delegation was not able, at this juncture, to make headway with respect to the Facilitators recommendations.

The OAU will nonetheless continue with its efforts. The issue is too serious and grave and deserves the continued attention of the Organization.

The OAU Delegation continues therefore to be seized with the matter. It will continue with its efforts at the levels of Ambassadors of the members of the Delegation, Ministers and Heads of State. It will seek the cooperation of both Parties to help them reach a peaceful solution. In this endeavour, the

OAU Delegation will build on the areas where there is convergence of approach and views between the two Parties.

In the meantime, the OAU Delegation urged both Parties to continue to exercise maximum restraint and avoid taking any action which could escalate the tension and further harm the future relations between the two countries.

Addis Ababa,
19 June, 1998".

8. As a follow-up to the decision of the OAU High Level Delegation, a Committee of Ambassadors was established. It adopted the following Terms of Reference deriving from the directives of the High-Level Delegation:

a) to *collect information from the two Parties on the development of the crisis and on any other additional view they would have on the ways and means to solve the conflict;*
b) *to collect, from the two Parties or any other appropriate International Organization and Agency, information which would make it possible to determine the authority which was administering Badme before 12 May, 1998;*
c) *to reiterate the appeal made to the two Parties by the OAU Delegation of Heads of State during its visit so that they :*

- *continue to observe the moratorium on air strikes;*
- *maintain the present situation of non hostilities;*
- *refrain from any action which could worsen the situation and harm further the relations between the two countries (making the civilian population and socio-economic infrastructures the targets; measures against the nationals of each country).*

9. On 24 June 1998, the General Secretariat of the OAU addressed a Note Verbale to the Ministries of Foreign Affairs of Ethiopia and Eritrea, informing them of the Terms of Reference of the Committee and seeking the cooperation of the concerned Authorities of both parties in carrying out its tasks.

10. On June 25, the Secretary General received a communication from the Minister of Foreign Affairs of the State of Eritrea regarding, among other things, paragraph (b) of the Terms of Reference on the Administration of Badme prior to May 12. In the communication, the Minister declared that :

> ***"We fail to see the rationale of this task. It must be borne in mind that Badme is one of several Eritrean towns "contested" by Ethiopia, although we do not as yet know the totality of Ethiopia's claims other than what can be inferred from the map of Tigray Administrative Region that carves large swathes of Eritrean territory. For example, it would make equal sense for the Committee to collect information as to which Authority administered Adi Murug prior to July 1997. For the OAU to investigate into one without considering the other is making an unacceptable prejudgement. Moreover, administration by itself does not have any meaning if the process by which this administration was installed is illegal. What is of critical importance is where Badme, Adi Murug and other areas lie within the recognized boundary. We therefore request that point No. 2 be deleted from the tasks as it can be accommodated within task Number 1."***

11. Following this communication, the Committee deemed it necessary to have a meeting with the Ambassador of Eritrea to Ethiopia so that he could provide further clarity on his Foreign Minister's letter. During the meeting, the Committee made it clear that the Terms of Reference were entrusted to it by the Heads of State and not by the Parties. Therefore, neither the parties nor the Committee could change the Terms of Reference. It was further indicated that the issue of Badme was included in the Terms of Reference because of the doubt which surrounded the matter during the discussions that the OAU High Level Mission had with the President of Eritrea. To clear the doubt, the Heads of State had decided to entrust the Committee with the task of ascertaining which Administrative Authority was in place before the events of 12 May 1998.

12. The Ambassador of Eritrea affirmed that his country felt that, within the spirit of transparency, it should inform the Committee of its reservations before its Members travelled to Asmara, Eritrea. He indicated that the Committee should not focus exclusively on Badme since there were other contested areas, where clashes occurred in July and August 1997. He, however, pointed out that the reservations of his country should not be taken as an attempt by Eritrea to impose a precondition on the visit of the Committee to Asmara.

13. During a subsequent meeting of its members, the Committee decided to take note of the reservations of Eritrea. However, it was made clear that it would not be appropriate for the Committee to negotiate its Terms of Reference with either Party. It was therefore decided that the Committee should strictly stick to its mandate as formulated by the Heads of State and organize the information collected from both parties and other relevant sources in a way that it would meet the expectations of the Heads of State. Such an approach, it was concluded, did not in any way imply that the Committee would not take due note of any additional information presented by either of the Parties, which would help shed more light on the complexities of the current dispute between Ethiopia and Eritrea.

14. On this understanding, therefore, the Committee of Ambassadors[1] undertook its mission to Asmara and Addis Ababa from 30 June to 9 July 1998. In both capitals, the Committee held substantive discussions with the leaders and high officials of both countries and representatives of International Organizations, the Diplomatic Community and NGOs. These discussions revolved around the Terms of Reference of the Committee of Ambassadors. Both Parties were able to present their respective positions at length. They also reaffirmed their support for the efforts of the OAU to resolve the dispute between them peacefully. It is to be noted that the Eritrean side reiterated its reservation on the second Term of Reference of the Committee relating to the Administration of Badme.

15. At the end of its mission, the Committee of Ambassadors drafted a comprehensive report, which was submitted to the Ministers of the member countries of the OAU High-Level Delegation.

16. It is important to note that, in fulfilling its mandate, the Committee of Ambassadors was particularly conscious of the need to perform the task entrusted to it with absolute and impeccable integrity. In that regard, the Ambassadors spent the same number of days in both capitals and undertook the same consultations. They took into account the view points of both sides and ensured that they were reflected, as accurately and comprehensively as possible, in the report.

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[1] On 28 June 1998, President Pasteur Bizimungu of Rwanda wrote to President Compaore, the OAU Current Chairman, informing him of Rwanda's decision to withdraw from the OAU High-Level Delegation.

17. Following the fact-finding mission of the Ambassadors, the Ministers of Foreign Affairs of Burkina Faso, Djibouti and Zimbabwe as well as the OAU Secretary General met in Ouagadougou, Burkina Faso, from 1st to 2nd August 1998. They considered the report of the Committee of Ambassadors. The Ministers endorsed the report and the observations made by the Committee of Ambassadors. They also considered a set of draft recommendations prepared by the Committee of Ambassadors based on their findings. The Ministerial Committee enriched the recommendations and eventually approved them. These recommendations were based on an approach which reflects a true African spirit. Such an approach was not aimed at accusing or humiliating either of the Parties, but rather to defuse the misunderstanding which led to the dispute. In essence, the approach was generous in the form but clear on the principles. The recommendations endeavoured to take into account the legitimate concerns of both Parties, which could be addressed in a peaceful manner.

18. In putting forward those recommendations as a basis for a fair and peaceful solution, the Committee of Ambassadors, and subsequently, the Ministerial Committee took into account earlier proposals made to the Parties, the proposals submitted by Eritrea to the OAU High-Level Delegation as well as their own views deriving from their findings and analysis.

19. It was in that spirit that the recommendations for a comprehensive and lasting settlement were prepared for the consideration of the OAU High-Level Delegation.

20. The Ministerial Committee further agreed on the content of an Introductory Note which was read out by the Chairman on behalf of the Ministerial Committee and subsequently handed over to the Ministers of Foreign Affairs of Eritrea and Ethiopia. The two Ministers were received by the Ministerial Committee twice separately.

21. The Introductory Note was as follows:

« Honourable Minister,

May I, first of all, welcome you once again to Ouagadougou. I would like also, on behalf of the Committee, to thank you for having kindly responded to our invitation in spite of the short notice.

Your arrival in Ouagadougou bears witness to the attachment of your country to the search for a peaceful solution to the conflict. Furthermore, it is a testimony of the confidence that your country places in the Organization of African Unity through its High-Level Delegation.

This attachment and confidence were, besides, largely shown during the visit of the OAU High-Level Delegation to your country and during the recent mission of the Committee of Ambassadors.

As you are aware, at the end of its visit to Addis Ababa and Asmara, immediately after the 34th Ordinary Session of the Assembly of Heads of State and Government of the Organization of African Unity, the OAU High-Level Delegation decided, among others, to pursue its efforts at the level of Ambassadors, Ministers and at its own level.

Within that framework, a mission was assigned to the Committee of Ambassadors to :

1) *collect information from the two Parties on the development of the crisis and on any other additional view they would have on the ways and means to solve the conflict;*

2) *collect, from the two Parties or any other appropriate International Organization and Agency, information which would make it possible to determine the authority which was administering Badme before 12 May, 1998;*

3) *reiterate the appeal made to the two Parties by the OAU Delegation of Heads of State during its visit so that they :*

   - *continued to observe the moratorium on air strikes;*
   - *maintained the present situation of non hostilities;*
   - *refrained from any action which could worsen the situation and harm further the relations between the two countries (making the civilian population and socio-economic infrastructures the targets; measures against the nationals of each country).*

The Committee of Ambassadors carried out its mission in the two capitals from 30 June to 9 July, 1998 and submitted to the Committee of Ministers a comprehensive report.

In the light of that Report and the observations contained herein, the Committee of Ministers is at present endeavouring to prepare a set of recommendations which, it hopes, will contribute to the search for a peaceful, just and lasting solution to the dispute between the two brotherly countries.

In its approach, the Committee of Ambassadors was imbued by the deep desire to contribute in an objective and serene manner to the search for a peaceful end to the conflict and that in an African spirit marked by brotherhood and generosity.

We shall wholeheartedly endeavour to propose recommendations which we deem to be fair, taking into account the legitimate concerns of the Parties and the ideals and principles of our continental Organization. In our approach, our concern was to avoid that the irreparable take place between the two brotherly countries and that a peaceful solution be found, as soon as possible.

It is obvious that, in a situation like the one which is of concern to us today, it is difficult to find a solution which will satisfy fully the two Parties at the same time. From then, we said to ourselves that it was possible, in spite of those difficulties, to find an acceptable solution where each Party, by making a step towards the other one, would contribute to peace building.

It is in the light of all this that I have the honour, on behalf of the Committee, to invite your reaction to a certain number of observations which emerged at the end of the recent mission which the Committee of Ambassadors had undertaken to Asmara and Addis Ababa, in conformity with the mandate entrusted to it by the OAU High-Level Delegation.

1. We note that divergent points of view continue to exist between the two Parties, both on the origin and evolution of the dispute and the issues which must be considered to resolve the crisis :

For the Eritrean Party, the crisis between Eritrea and Ethiopia has its origins in the violation by Ethiopia of the colonial borders of Eritrea and the occupation of some parts of its territory by force. According to it, it is a border dispute which can be settled by technical and legal means (demarcation and, in case of controversy, arbitration). All the other issues, including that of Badme, are aimed, according to it, at creating diversion. In that connection, the Eritrean authorities referred to the proposals they submitted for a comprehensive settlement of the dispute. Eritrea considers that the Facilitation is over; consequently, it considers the efforts of the OAU as a new initiative which must serve as a framework for all the efforts aimed at finding a peaceful solution to the dispute.

The Ethiopian side considers that there are two distinct issues involved in the present conflict. First, there is what it considers as the act of aggression perpetrated by Eritrea which, according to Ethiopia must be undone and not rewarded. Then, there is the problem of the border dispute which must be considered once Eritrea will have withdrawn its forces from Badme and its environs. Ethiopia continues to accept the recommendations of the Facilitators and to consider the role of the OAU High-Level Delegation to be the implementation of the decision adopted by the Summit of the Organization in Ouagadougou and which it accepted without reservation.

2. With regard to the authority which was administering Badme before 12 May 1998 and on the basis of the information at our disposal, we have reached the conclusion that Badme Town and its environs were administered by the Ethiopian authorities before 12 May, 1998. This conclusion does not obviously prejudge the final status of that area which will be determined at the end of the delimitation and demarcation process and, if necessary, through arbitration.

3. With regard to the appeal made by the OAU High-Level Delegation to the two Parties to exercise restraint, we note with satisfaction the reaffirmation made by the two Parties about their readiness to accept the appeal of the African leaders :

- with regard to the moratorium on the air strikes, the two Parties respected the moratorium;

- *the two Parties also maintained the situation of no hostilities. However, a substantial mobilization of troops on both sides of the border must be noted.*

- *with regard to the appeal made to the two Parties so that they refrain from any action likely to worsen the situation and harm further the relations between the two countries, the Committee was hardly encouraged by what it observed about the treatment of nationals.*

- *Concerning the situation of Ethiopians in Eritrea, the Committee obtained information on the summons and, in some cases, the detention of Ethiopians. Information reaching the Committee also mentioned the expulsion of Ethiopians from the Assab area. The Government of Eritrea denied the information and pointed out that it was ready to allow an independent verification of those reports. The Committee could not establish the reality of a systematic or official action directed against Ethiopians in Eritrea.*

- *As regards the situation of Eritreans in Ethiopia, the Committee met the deported Eritreans in Asmara and the detainees in Ethiopia. The Ethiopian Government justified its action with motives of national security, mentioning the fact that, according to it, the persons concerned were either EPLF combatants or persons who had a military training or still persons who had contributed financially to the war efforts of Eritrea. However, the conditions in which those deportations were carried out, the decision to extend those measures to families of the deported persons and the fate of their properties are a source of deep concern.*

The attention of the Committee was drawn to the reservation expressed by the Eritrean Government on point (b) of the Terms of Reference of the Committee of Ambassadors on the administration of Badme and its environs. The reservation of the Eritrean Government stressed the fact that the OAU would prejudge the dispute if it investigated to establish which authority administered Badme without doing the same for the areas such as Adi-Murug before July 1997; Eritrrea considered that as unacceptable. Furthermore, the Government of Eritrea maintained that « the Administration in itself was not valid if the process by which that

administration had been established was illegal. What is of capital importance is to establish where Badme, Adi-Murug and other areas were situated within the recognized borders ».

Our Committee understands the viewpoint of Eritrea on the origin of the conflict and notes, in this connection, its concerns about the incidents which would have taken place at other places on the common border in July 1997. It further takes note of the evolution of the conflict due to the escalation which occurred after 12 May, 1998. It is, nevertheless, of the view that what happened in Badme between 6 and 12 May constitutes a fundamental element of the crisis. Consequently, the challenge to be taken up is to find a solution to that particular problem within the framework of a comprehensive settlement of the conflict in all its dimensions.

In so doing, it will be to allow the spirit of compromise to prevail, which will make it possible to respond to the fundamental concerns of each of the Parties while respecting the principles of our continental Organization.

Before concluding, may I stress the important fact that all the eyes of the world are on Africa and all the hopes are based on the outcome of the mission entrusted to the OAU High-Level Delegation so that a peaceful solution can be found to the conflict. But beyond the hope placed in the OAU, the solution to this crisis depends, first and foremost, on the common will of the two Parties to make profitable use of the good offices of our continental Organization.

I thank you ».

22. In reaction to the Introductory Note read by the Chairman of the Ministerial Committee, the Eritrean Minister of Foreign Affairs expressed Eritrea's appreciation for the integrity, professionalism and courage with which the Committee of Ambassadors conducted its work. He also stated that his country was indebted to the Ministerial Committee for its fair and impartial handling and its commitment to a just and peaceful solution. He reiterated that the origin of the conflict was Ethiopia's violation of the territorial integrity and sovereignty of his country as well as its armed aggression against Eritrea in 1997. The Minister reiterated his country's reservation on point 2 of the Terms of Reference of the Committee of Ambassadors "as a pre-judgement" and as an "a priori to take

Ethiopia's position that only Badme merits an investigation". He objected to the conclusion that Badme and its environs were administered by Ethiopia prior to May 12. The Eritrean Minister also made some remarks on the findings of the Committee of Ambassadors on the humanitarian situation. He further objected strongly to the statement that what happened in Badme between 6 and 12 May was a fundamental element of the crisis.

23. In an earlier statement, the Minister encouraged the OAU to "*consolidate the prevailing de facto state of non-hostilities*". In that regard, he submitted, on behalf of his Government, the following proposals: "*immediate and unconditional cessation of hostilities and direct talks; and deployment, under the auspices of the UN, of an African Observer Force on the border areas between the two countries to ensure that there will be no more fighting*"

24. In response, the Ministerial Committee affirmed that the Ambassadors had taken into account the view points of both sides and conducted their work on the basis of the Terms of Reference given to them by the Heads of State and with an absolute and impeccable integrity. They reiterated that the events in Badme are those which brought the dispute between Ethiopia and Eritrea to the attention of the OAU and the international community and that the issue of Badme should be dealt with in the efforts aimed at seeking a peaceful solution to the crisis.

25. In reaction to the Introductory Note, the Ethiopian Minister of Foreign Affairs expressed the sincere appreciation of his Government for the commitment of the OAU to assist the two countries in finding a solution to their dispute. He expressed satisfaction at the conclusion reached by the Committee that Badme and its environs were administered by Ethiopia prior to May 12, which "was obvious" as far as his Government was concerned. In that regard, he stressed the need to ensure the return to the **status quo ante**, because without movement on that issue, there will be no movement in the overall search for peace. Regarding the humanitarian situation, the Minister indicated that what his country had done was just to ask all those involved in the espionage network set up by the Eritrean Government in Ethiopia to leave the country. He further stated that there was no comparison between the expulsion of Eritreans from Ethiopia on national security grounds and the massacres of innocent school children in Mekele and Adigrat by the Eritreans, let alone the brutal treatment meted out to Ethiopians in Eritrea. He, however, acknowledged that there could have been some excesses and assured the Committee that the Ethiopian Government would strive to rectify them.

26. The Ministerial Committee reiterated its concerns over the treatment of Eritreans in Ethiopia, adding that the measures being implemented had the potentials of creating bitterness among people and affect many innocent people. While acknowledging the legitimate security concerns of Ethiopia, the Members of the Committee urged the Ethiopian Authorities to do their utmost to exercise restraint and avoid any excesses.

27. At the end of its meeting in Ouagadougou, the Ministerial Committee came to the conclusion that there was no noticeable breakthrough as the positions of the Parties had not changed significantly. It, however, noted that the high emotions which characterized the attitudes of the two Parties at the very beginning of the crisis had decreased somewhat. They also noted that, beyond the positions of principle of the Parties, the problem lies in the sequencing of events. The Ministers were of the view that they had gone as far as they could and that any attempt to obtain commitments on the key issues could lead to a breakdown of communication with the Parties. They agreed that more political work was still required and, in that regard, felt that more time was needed. They also agreed that it would be premature at that stage to submit the recommendations to the Parties, noting that it was up to the members of the OAU High-Level Delegation to do so in view of the mandate entrusted to them.. They finally agreed on the content of a Communique to be read out to the Parties and which was subsequently circulated to the media.

28. That Communique was as follows :

> *« The Ministerial Committee of the Member States of the OAU High-Level Delegation on the dispute between the State of Eritrea and the Federal Democratic Republic of Ethiopia met in Ouagadougou, Burkina Faso, from 1 to 2 August, 1998, under the chairmanship of Mr. Ablassé Ouedraogo, Minister of Foreign Affairs of Burkina Faso. The meeting was attended by Dr. Stan Mudenge, Minister of Foreign affairs of Zimbabwe, Mr. Mohamed Moussa Chehem, Minister of Foreign Affairs of Djibouti, as well as by Dr. Salim Ahmed Salim, the OAU Secretary General.*
>
> *The Committee considered the Report of the Committee of Ambassadors, which visited Eritrea and Ethiopia from 30 June to 9 July, 1998, within the framework of the mandate given to it by the OAU High-Level Delegation.*

The Ministerial Committee also met and held separate consultations with the Ministers of Foreign Affairs of Ethiopia and Eritrea. The consultations focused on the Report and observations submitted by the Committee of Ambassadors based on its Terms of Reference, as well as on the ways and means of promoting a peaceful, just and lasting solution to the current dispute between Eritrea and Ethiopia.

The Committee was encouraged by the disposition reiterated by both Parties to seek a peaceful solution to the dispute and, to that end, extend full cooperation to the OAU High-Level Delegation.

The Ministerial Committee will submit its recommendations to the Heads of State members of the OAU High-Level Delegation for their consideration and action as they deem appropriate.

The Ministerial Committee reiterated to the two Parties the appeal of the OAU High-Level Delegation for the continued observance of the moratorium on air strikes and the present situation of no hostilities, and to refrain from any action which could further aggravate the situation and harm the relations between the two countries and their peoples.

At the end of its deliberations, the Committee was received by H.E. Mr. Blaise Compaoré, President of Burkina Faso and Current Chairman of the Organization of african Unity. The Committee briefed the Current Chairman on the outcome of its meeting.

Ouagadougou, 2 August, 1998 »

29. Following the meeting of the Ministerial Committee, both Ethiopia and Eritrea issued Press Statements on 4th and 5th August, 1998, respectively (see Annexes I and II).

30. The OAU High-Level Delegation met in Ouagadougou on 7 and 8 November, 1998. The meeting was attended by all the leaders who are members of the OAU High-Level Delegation, namely President Blaise Compaoré of Burkina Faso, President Hassan Gouled Aptidon of Djibouti and President Robert Gabriel Mugabe of Zimbabwe. The meeting was also attended by the OAU Secretary

General, Dr. Salim Ahmed Salim, while the UN Secretary General was represented by Ambassador Mohamed Sahnoun as an Observer.

31. The meeting was preceded by preparatory sessions at the level of Ambassadors and, subsequently, at Ministers level to review the proposals they have put forward at their meetings in Ouagadougou in August.

32. The OAU High-Level Delegation approved a Statement to be delivered to the two Parties by the Current Chairman on behalf of the Delegation. The Statement reads as follows :

"Mr. President of the State of Eritrea,

OR

Mr. Prime Minister of the Federal Democratic Republic of Ethiopia,

I wish, at the outset, to welcome you to Ouagadougou on behalf of the members of the OAU High-Level Delegation and on my own behalf. Your presence here today is a testimony of your renewed commitment to encourage a peaceful and negotiated resolution of the dispute between the State of Eritrea and the Federal Democratic Republic of Ethiopia and to cooperate with the OAU High-Level Delegation. There is no need to stress the expectation coupled with hope and anxiety raised by this meeting in our continent and beyond its shores. Indeed, it is not an exaggeration to state that all eyes are focused on Ouagadougou with the ardent wish to see Ethiopia and Eritrea move away from the spectre of war to take the more exalting path of peace and lay the solid foundation for the present and future generations of their people to live in harmony and friendship.

At the time we are meeting, we are conscious of the huge responsibility on our shoulders : For us, because of the mandate entrusted to us by our colleagues; but also and particularly for you because of the heavy responsibility that you bear towards your people.

On our part, it is with a particularly high sense of duty and responsibility that the OAU High-Level Delegation has endeavoured over the past few months

to find ways and means of arriving at a comprehensive, peaceful and negotiated solution to the border dispute between Eritrea and Ethiopia. It is neither necessary to refer again to the tense atmosphere and alarm with which the Ouagadougou Summit considered the dispute, then characterized by a tragic escalation on the ground, nor to give a detailed description of all the efforts made by the OAU since the outbreak of this crisis.

As you are aware, after the adoption of the Resolution by the 34th Ordinary Session of the OAU Assembly of Heads of State and Government and the meeting of the Central Organ our Delegation visited Ethiopia and Eritrea from 18 to 19 June 1998. In both countries, the Delegation held in-depth talks with Your Excellency on the different aspects of the crisis.

At the end of our visit and after expressing our concern over the seriousness of the crisis and the need for the OAU to give sustained attention to it, we agreed to pursue our efforts at the level of Ambassadors, Ministers and at our own level. At the same time we appealed to both countries to show restraint and abstain from any action that could worsen the situation and harm further the relations between the two countries.

Thus, in order to collect more specific and detailed information on the various aspects of the crisis, we instructed the Committee of Ambassadors, to go to Asmara and Addis Ababa. The Committee carried out its mission in the two capitals from 30 June to 9 July 1998 on the basis of the mandate which we entrusted to it. The Committee held in-depth talks with the authorities of the two countries. It also held enlightening meetings with the representatives of the diplomatic community and International and Non-Governmental Organizations. It finally met with the citizens of the two countries particularly those affected by the crisis, including the deportees and returnees.

Those numerous meetings enabled the Ambassadors to collect a huge quantity of information which they compiled in a comprehensive Report. The Committee of Ambassadors endeavoured with great care to reproduce, as faithfully as possible, the positions of each of the two parties and the evidence collected during its mission. The Committee submitted its report to the Ministerial Committee which met in Ouagadougou on 1 and 2 August 1998.

The Ministerial Committee informed the Ministers for Foreign Affairs of Eritrea and Ethiopia, whom it received separately, of the outcome of the fact-finding mission carried out by the Committee of Ambassadors. In turn, the two Parties gave their respective reactions to the observations made by the Ministerial Committee. That Ouagadougou Ministerial meeting was all the more encouraging as each Party reaffirmed, on that occasion, its trust in the OAU and its action and reiterated its commitment to cooperate with the Organisation in the search for a peaceful and negotiated solution. The maintenance of the present no-hostility situation and respect for the moratorium on air-strikes were indeed evidence of that confidence.

In all its efforts, the OAU High-Level Delegation has based its action on the relevant principles enshrined in the Charter of our continental Organisation, that is the settlement of disputes between OAU Member States by peaceful means; the non-use of force or the respect for the sacrosanct principle of the inviolability of the borders existing at independence. It is the strict compliance with these principles which, we think, constitutes the best guarantee for the respect of the sovereignty and inalienable right to independent existence of each OAU Member State.

While strongly wishing for a speedy solution to the crisis, our Delegation was constantly concerned about the need to take the necessary time to carry out, in the best manner, its peace mission. It seemed important for us to allow for an in-depth consideration of the situation, the positions and concerns of one another and to give time for reflection and allow for the cooling down of tempers in order to give ourselves the best chances to be most useful.

Additionally, the OAU ensured the need to give an African character and perspective to its action, imbued with understanding and brotherhood. It is not the first time that there is a dispute between two members of the same family. In such a situation, we should draw deeply from the fountain of African wisdom in order to find the necessary force to go beyond the constraints of the moment, transcend narrow considerations and accept to pay the price of peace.

Today, we are meeting to take stock of our efforts and we have great hopes that we will find in you a receptive mind for our brotherly initiative. We note the gap which still exists between your respective positions on the origin of the crisis and the ways and means of emerging from it.

In our reflection we have drawn the conclusion that the events which took place between 6 and 12 May 1998 were a fundamental element of the crisis that evolved between the two countries. Those were the events which revealed the crisis to the international community and with which the OAU was seized. It, therefore, appears fundamental that any search for a peaceful solution should take into due account this element.

We have also been led to the conclusion that the events prior to those of 6-12 May 1998 contributed to the gradual deterioration of the relations between the two countries. In the pursuit of justice and equity, it also seems indispensable that appropriate inquiries be carried out on the events between 6-12 May 1998 and those that preceded them such as the incidents that took place in July and August 1997. Those inquiries will make it possible to pinpoint the responsibilities for the deterioration of the situation between the two countries.

Apart from the divergent views of the two Parties on the origin and nature of the conflict, it should be pointed out that there is a general agreement on the modalities for the settlement of the border dispute based on the delimitation and demarcation of their common border. This convergence of views is not, however, translated into reality due to the difference that continues to exist between the two Parties regarding the approach.

While the Ethiopian side demands the prior withdrawal of Eritrean forces from Badme and its environs and the restoration of the status quo ante, the Eritrean side proposes the demilitarization of the common border through the simultaneous withdrawal of the forces of the two Parties.

Our major concern has been and still is to know how to reconcile these two positions. We sincerely believe that a comprehensive solution based on the redeployment of the forces present in Badme and its environs to the positions before 6 May 1998 which would be monitored by a Group of Observers and followed by the demilitarization of the entire common border is an approach which deserves to be considered by the two Parties.

The solution which we are proposing is based on the principle that each of the Parties must be willing to make a concession to facilitate the attainment of a comprehensive and peaceful solution to the crisis. This concession made by one

another will be the key to a comprehensive Peace Agreement the details of which will be submitted to you in a separate document. Such Agreement would also address the humanitarian dimension of the crisis and, particularly the consequences on the persons who had been deported and who might have suffered loss of property. The OAU and the UN would be the guarantors of the implementation of the Agreement. They would also help in mobilizing resources to assist the Parties in the implementation of the Agreement.

In submitting officially, on behalf of the OAU High-Level Delegation, these recommendations to you, may I underscore that the resolution of the present crisis is as much a challenge for Africa as it is for Ethiopia and Eritrea: challenge for Africa and the OAU as regards its capacity to find solutions to conflicts between its Member States; but also a challenge for Ethiopia and Eritrea as regards their attachment to the OAU principles and respect for our Organization.

This is our humble contribution to the search of a peaceful, just and lasting solution to the crisis between your two countries. We hope that it will engage your kind attention. We are aware of the effort and the sacrifice that you will have to make in the name of peace. It is in the name of that peace that we wish to see restored to your two countries, that we solemnly appeal to you to seriously consider the recommendations that we are submitting to you.

We do realize the importance of reaction that is expected from you. We suggest that you take some time to reflect on the proposals. We shall resume our consultations later this evening or tomorrow morning to listen to you.

I thank you".

33. The OAU High-Level Delegation also approved a set of proposals for a Framework Agreement for a peaceful settlement of the dispute between Eritrea and Ethiopia. These proposals are as follows :

"We, the Heads of State and Government, mandated by the 34th Ordinary Session of the Assembly of Heads of State and Government of the Organisation of African Unity, held in Ouagadougou, Burkina Faso, from 8 to 10 June 1998, to contribute towards the search for a peaceful and lasting solution to the

unfortunate conflict which erupted between the two brotherly countries, the State of Eritrea and the Federal Democratic Republic of Ethiopia;

- *Deeply affected by the outbreak of the conflict between the two countries that are united by historic links of brotherhood and a common culture;*

- *Saddened by this conflict which occurred at a time when the Federal Democratic Republic of Ethiopia and the State of Eritrea had launched a new era of relations built on a partnership and a common vision and ideals as regards the future of their peoples, the region and the whole continent;*

- *Noting, however, that differences had emerged between the two countries relating particularly to their common border, differences which the two countries endeavoured to resolve peacefully;*

- *Deploring the fact that, notwithstanding those efforts, an open conflict broke out between the two brotherly countries, with which our 34th Summit was seized;*

- *Paying tribute to the commendable efforts made by friendly countries aimed at finding a peaceful solution to the conflict;*

- *Conscious of the fact that resorting to the use of force results in loss of human lives, the destruction of property and socio-economic infrastructures as well as creating a division between the peoples, all the things which the two brotherly countries and our continent cannot afford at a time when all efforts must be channelled towards the promotion of peace and development which we greatly owe to our peoples;*

- *Encouraged by the commitment made by the two Parties to the OAU High-Level Delegation to settle the conflict peacefully and by their positive response to its appeal to continue to observe the moratorium on air strikes and to maintain the present situation of non-hostilities;*

- *Having considered and endorsed the Report and Recommendations of the Committee of Ambassadors, as submitted by the Ministerial Committee to the Parties on 1 August 1998 in Ouagadougou, Burkina Faso;*

- *Having listened to the two Parties and made an in-depth analysis of their respective positions, taking into account their legitimate concerns and after having thought deeply about the ways and means likely to contribute to the peaceful settlement of the crisis in a fair and objective manner;*

- *MAKE on behalf of Africa, its peoples and leaders, a solemn and brotherly appeal to the Leaders of the State of Eritrea and the Federal Democratic Republic of Ethiopia to do everything in their power to opt for a peaceful settlement of the dispute and find a just and lasting solution to the conflict;*

SUBMIT, hereunder, for the consideration of the two Parties, the elements of a Framework Agreement based on the following principles:

- *resolution of the present crisis and any other dispute between them through peaceful and legal means in accordance with the principles enshrined in the Charter of the Organization of African Unity;*

- *rejection of the use of force as a means of imposing solutions to disputes;*

- *respect for the borders existing at independence as stated in Resolution AHG/Res.16(I) adopted by the OAU Summit in Cairo in 1964 and, in this regard, determine them on the basis of pertinent colonial Treaties and applicable international law, making use, to that end, of technical means to demarcate the borders and, in the case of controversy, resort to the appropriate mechanism of arbitration.*

We recommend that :

1. The two Parties commit themselves to an immediate cessation of hostilities;

2. In order to defuse tension and build confidence, the two Parties commit themselves to put an immediate end to any action and any form of expression likely to perpetrate or exacerbate the climate of hostility and tension between them thereby jeopardizing the efforts aimed at finding a peaceful solution to the conflict;

3. In order to create conditions conducive to a comprehensive and lasting settlement of the conflict through the delimitation and demarcation of the border, the armed forces presently in Badme Town and its environs, should be redeployed to the positions they held before 6 May 1998 as a mark of goodwill and consideration for our continental Organization, it being understood that this redeployment will not prejudge the final status of the area concerned, which will be determined at the end of the delimitation and demarcation of the border and, if need be, through an appropriate mechanism of arbitration;

4. This redeployment be supervised by a Group of Military Observers which will be deployed by the OAU with the support of the United Nations. The Group of Military Observers will also assist the reinstated Civilian Administration in the maintenance of law and order during the interim period;

5. a) The redeployment be subsequently extended to all other contested areas along the common border within the framework of demilitarisation of the entire common border and as a measure for defusing the tension and facilitating the delimitation and demarcation process. In effect, the demilitarisation which will begin with the Mereb Seitit segment, will then extend to the Bada area and the border as a whole;

b) The demilitarisation process be supervised by the Group of Military Observers;

6. a) The two parties commit themselves to make use of the services of experts of the UN Cartographic Unit, in collaboration with the OAU and other experts agreed upon by the two Parties, to carry out the delimitation and demarcation of the border between the two countries within a time-frame of 6 months which could be extended on the recommendation of the cartographic experts;

b) Once the entire border has been delimited and demarcated, the legitimate authority will immediately exercise full and sovereign jurisdiction over the territory which will have been recognized as belonging to them;

7. In order to determine the origins of the conflict, an investigation be carried out on the incidents of 6 May 1998 and on any other incident prior to that date which could have contributed to a misunderstanding between the two Parties regarding their common border, including the incidents of July-August 1997;

8. a) At the humanitarian level, the two Parties commit themselves to put an end to measures directed against the civilian population and refrain from any action which can cause further hardship and suffering to each other's nationals;

b) The two Parties also commit themselves to addressing the negative socio-economic impact of the crisis on the civilian population, particularly, those persons who had been deported;

c) In order to contribute to the establishment of a climate of confidence, the OAU, in collaboration with the United Nations, deploy a team of Human Rights Monitors in both countries;

9. a) In order to determine the modalities for the implementation of the Framework Agreement, a Follow-up Committee of the two Parties be established under the auspices of the OAU High-Level Delegation with the active participation and assistance of the United Nations;

b) The Committee begin its work as soon as the Framework Agreement is signed;

10. The OAU and the UN working closely with the international community, particularly, the European Union, endeavour to mobilize resources for the resettlement of displaced persons and the demobilization of troops currently deployed along the common border of both countries;

11. The Organization of African Unity, in close cooperation with the United Nations, will be the guarantor for the scrupulous implementation of all the provisions of the Framework Agreement, in the shortest possible time".

34. The proposals were formally submitted to both Parties by the Current Chairman on behalf of the OAU High-Level Delegation on the evening of 7 November, 1998. It is to be noted that the OAU High-Level Delegation was not able to meet separately with the two Parties on 7 November, as initially planned,

due to the reservations expressed to the Current Chairman by President Isaias Afwerki of Eritrea on the presence at the meeting of Djibouti whom, he alleged, « is supporting Ethiopia in its war effort ».

35. The following day and after consultations undertaken by the Current Chairman and President Mugabe, the OAU High-Level Delegation met separately with the two Parties.

36. The Delegation met first with Prime Minister Meles Zenawi, who welcomed the efforts and proposals of the OAU High-Level Delegation. He sought a number of clarifications from the OAU High-Level Delegation related to the following points :

- Identification of the troops to be redeployed from Badme Town and its environs which, according to him, are « Eritrean troops ».

  On this issue, the High-Level Delegation confirmed that the reference is to Eritrean troops;

- The definition of Badme Town and its environs, which he understands to be « all Ethiopian territory occupied after May 6, 1998 ».

  The High-Level Delegation took note of the position of Prime Minister Meles Zenawi. There was, however, no further discussion on the issue;

- The Civilian Administration which, according to him, « should include the restoration of the Administration with its law enforcement organs minus regular troops ».
  The High-Level Delegation agreed with Prime Minister Meles Zenawi that the Group of Military Observers was not expected to replace the Civilian Administration in its law enforcement responsibilities. Rather, it was the view of the High-Level Delegation that the Group of Military Observers would assist, as appropriate, the Administration in the maintenance of law and order.

37. During the meeting with President Isaias Afwerki, the latter also expressed his deep appreciation for the efforts exerted by the OAU High-Level Delegation to help bring about a peaceful resolution of the conflict. In his Statement :

- *he reiterated that « the conflict between Ethiopia and Eritrea is a border dispute which can only be resolved by the scrupulous respect of Eritrea's inherited Italian colonial boundaries » which, according to him, have been « flagrantly violated by Ethiopia »;*

- *he also reiterated the fact that « both sides should commit themselves to the cardinal principle of the rejection of the use of force to resolve the dispute ». In this regard, he reaffirmed « Eritrea's commitment to cessation of hostilties »;*

- *he considered « the cessation of hostilities as a sufficient condition for the deployment of an observer force and for bringing about an expeditious demarcation »;*

- *he stated that, pending « the investigation to be carried out on the incidents of July-August, 1997 and of May, 1998, any pronouncement on the origins of the conflict is not justifiable ». He added that « if it was a matter of goodwill. then the onus should be on both Parties » and that « the same logic applies to the issue of administration »;*

- *finally, he stated that « the detention and deportation of innocent civilians on account of their nationality is being carried out solely by Ethiopia and that fairness demands that appeal by the Summit be directed only to the culpable Party ».*

38. Following its separate meetings with the leaders of Ethiopia and Eritrea, the OAU High-Level Delegation assessed the outcome of the meeting. The leaders agreed that an important step has been reached in submitting the proposals to both Parties. They held the view that the onus was now on the Parties to react to the proposals. They also agreed that the OAU High-Level Delegation will remain available to pursue its efforts pending the meeting of the Central Organ at Summit Level to which they are expected to report on their efforts. Finally, they adopted a Press Communique which reads as follows :

"The OAU High-Level Delegation on the Dispute between Eritrea and Ethiopia met in Ouagadougou, Burkina Faso, on 7 and 8 November 1998, under the chairmanship of H.E. Blaise COMPAORE, President of Burkina Faso and

Current Chairman of the OAU. H.E. Hassan Gouled Aptidon, President of the Republic of Djibouti and H.E. Robert Gabriel Mugabe, President of the Republic of Zimbabwe, participated in the meeting.

H.E. Dr. Salim Ahmed Salim, Secretary General of the Organization of African Unity, also participated in the meeting.

The UN Secretary General was represented by Ambassador Mohamed Sahnoun, as Observer.

The OAU High-Level Delegation considered and adopted a set of proposals constituting elements of a Framework Agreement for a Peaceful Settlement of the Dispute between Ethiopia and Eritrea. Those proposals were communicated to H.E. Isaias Afewerki, President of the State of Eritrea, and H.E. Meles Zenawi, Prime Minister of the Federal Democratic Republic of Ethiopia, by the Current Chairman of the OAU, on behalf of the High-Level Delegation.

The two leaders were received separately by the OAU High-Level Delegation which listened to their preliminary observations and provided clarification on some aspects of the proposals as requested by the Parties.

The OAU High-Level Delegation reiterated to the two Parties its full disposition to pursue its efforts and urged them to communicate subsequently their definitive response to the proposals submitted to them.

In the meantime, the OAU High-Level Delegation reiterates its appeal to the two Parties to continue to exercise maximum restraint.

The OAU High-Level Delegation expresses its high appreciation to the two Parties for the confidence they place in the OAU.

The OAU High-Level Delegation will submit a report on its efforts to the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution at its next Session at Summit level.

Ouagadougou, 8 November, 1998"

39. At the end of the meeting, the members of the OAU High-Level Delegation agreed that the Current Chairman should write to OAU Heads of State and Government and convey to them the proposals submitted to the Parties. They also agreed that the representative of the Current Chairman should brief separately the EU and US representatives in Ouagadougou and make the proposals available to them. This decision was made in view of the role and involvement of the EU and the USA in the efforts aimed at finding a peaceful solution to the dispute.

40. It was further decided that President Compaoré and the Secretary General should go and meet with President Isaias Afwerki and Prime Minister Meles Zenawi before their departure from Ouagadougou. They seized the opportunity of their meetings with both leaders to express to them the appreciation of the OAU High-Level Delegation for their participation at the meeting and to reiterate their appeal for restraint while the efforts are still going on.

41. After the meeting of the OAU High-Level Delegation in Ouagadougou, Ethiopia and Eritrea issued, on 9 November, 1998 Press Communiques (see Annexes III and IV).

42. It is to be noted that, after the Ouagadougou meeting of the OAU High-Level Delegation, Prime Minister Meles Zenawi addressed a letter, on 12 November, 1998, to the OAU Current Chairman, conveying to him the Ethiopian Government's formal and official acceptance of the High-Level Delegation's peace proposals « as clarified at our meeting in Ouagadougou » (Annex V).

43. It is also to be noted that both the EU and the United Nations Security Council issued, on 13 November, 1998, Statements on the outcome of the Ouagadougou meeting of the OAU High-Level Delegation. The Statement of the EU reads as follows :

> "***Following the briefing by the Current Chair of OAU, the European Union commends the efforts of the OAU High-Level Delegation to contribute to a peaceful settlement of the Ethio-Eritrean conflict at its meeting under the chairmanship of H.E. Blaise Compaoré, President of Burkina Faso and Current Chairman of the OAU, H.E. Hassan Gouled Aptidon, President of the Republic of Djibouti, and H.E. Robert Gabriel Mugabe, President of the Republic of Zimbabwe, in Ouagadougou, on 7/8 November 1998.***

The European Union strongly supports the OAU High-Level Delegation's proposals for a framework agreement and urges both parties to commit themselves to full and unequivocal acceptance of these proposals.

In this context the EU positively notes that one side has so far fully accepted the OAU proposals and hopes that the other side, which has not rejected them, will be able to agree with them in a very near future. The EU remains ready to contribute to the implementation of these proposals. The European Union further endorses the appeal of the OAU High-Level Delegation to the two Parties to exercise maximum restraint".

44. The Statement made by the President of the UN Security Council reads as follows :

"The Members of the Council confirmed the Council's full support for the OAU's efforts to promote a settlement between Ethiopia and Eritrea. The Council supports the proposals of the OAU Heads of State on Ethiopia and Eritrea which are fair and balanced. The Council encourages the parties to be flexible and to give serious consideration to the proposals. The Council calls on the parties to refrain from the use of force as they explore a peaceful resolution of the conflict through this process. The Council asks that the parties guarantee the safety and freedom of operation of NGOs. The Council invites the Secretary General to consider how the United Nations might respond to the OAU's request for UN support should the OAU's proposals be accepted by both parties. And finally, the Council commends the efforts of Ambassador Sahnoun, the Special Envoy, as well as commending those bilateral efforts which are currently underway on this same problem".

Appendix I

The Press Release issued by the Ethiopian Ministry of Foreign Affairs, on 4th August 1998, reads as follows :

Ethiopia's Foreign Minister, Ato Seyoum Mesfin, returned to Addis Ababa late Monday, 3 August 1998, from Ouagadougou, capital of Burkina Faso, where talks had been held with the Organization of African Unity (OAU) Mission at Ministerial level, composed of Burkina Faso, Djibouti and Zimabwe and the OAU Secretary General, Salim Ahmed Salim.

The purpose of the talks was to discuss with the Ethiopian and Eritrean sides the Report of the fact-finding Committee of Ambassadors constituted by the OAU High-Level Delegation on helping to resolve the crisis between Ethiopia and Eritrea.

The Mission of the Committee of Ambassadors had been :

- ***To collect information from the two Parties on the development of the crisis;***
- ***To collect, from the two Parties or any other appropriate international organization and agency, information which would make it possible to determine the authority which was administering Badme before 12 May, 1998.***

Foreign Minister Seyoum said when he returned from the talks in Ouagadougou that the OAU Mission at Ministerial level had made available to the two Parties the Report of the Committee of Ambassadors which concluded in its findings that :

- ***Ethiopia was administering Badme Town and its environs before 12 May 1998;***
- ***What happened in Badme between 6 and 12 May 1998 constitutes a fundamental element of the crisis.***

Foreign Minister Seyoum further noted that the conclusion of the fact-finding Committee of Ambassadors has exposed the fact that all the assertions to the contrary made by the Eritrean regime were blatant lies.

Meanwhile, the Ministry of Foreign Affairs said the report heard on the BBC on 4 August 1998 that Ethiopian Foreign Minister Seyoum Mesfin, had ordered a « neutral zone held by UN and OAU soldiers as an act of goodwill » was incorrect. This is a result of misinformation spread once again by the Eritrean Foreign Minister to confuse the international community, the Ministry added.

Tuesday, 4 August, 1998 »

Appendix II

The Press Release issued by the Ministry of Foreign Affairs of Eritrea on 5 August 1998 reads as follows :

« The OAU Ministerial on the border conflict between Eritrea and Ethiopia will submit its recommendations to the Heads of State of the three countries in the next few days. The Committee underlined that these recommendations « will be fair and take into account the legitimate concerns of the Parties and the ideals of the OAU ».

The Ministerial Committee, which is composed of Burkina Faso, Zimbabwe and Djibouti, was convened in Ouagadougou from August 1 to 2, 1998, to review the findings of the Committee of Ambassadors that had visited Eritrea and Ethiopia earlier this month. Separate sessions with the Foreign Ministers of Eritrea and Ethiopia were also held to exchange views and explore avenues of a peaceful solution.

In its final communique, the Ministerial Committee welcomed « the disposition reiterated by both Parties to seek a peaceful solution to the dispute » and urged them « to continue their observance of the moratorium on air strikes and the present situation of no hostilities ». The Government of Eritrea had expressed its readiness for an immediate and unconditional cessation of hostilities and the placement of African observers under the auspices of the United Nations pending a comprehensive peaceful solution to the conflict. But Ethiopia's Foreign Minister told the Ministers that Ethiopia did not accept the cessation of hostilities and the placement of an observer force.

With regard to the substantive aspects of the conflict, the Ministerial Committee acknowledged that the two Parties continue to hold « divergent points of view both on the origin and evolution of the dispute and the issues which must be considered to resolve the crisis ». But it added that this should not preclude « the spirit of compromise to prevail », which will make it possible to respond to the fundamental concerns of each of the Parties while respecting the principles of the OAU.

The Government of Eritrea had all along maintained that the root cause of the dispute lay in Ethiopia's violation of Eritrea's colonial boundaries. Focus on secondary issues will therefore be unhelpful and only derail the peace process. Ethiopia's insistence on ascertaining first « which authority was administering Badme prior to the clashes of May 6 » was thus an obstructive posture mainly designed to divert the peace process. This glossed over Ethiopia's use of force earlier in July 1997 to occupy Adi-Murug as well as to encroach on areas around Badme. Under these circumstances, « administration » in itself was not valid if the process by which that administration had been established was illegal. What is of paramount importance is to establish where Badme, Adi Murug and other areas were situated within the recognized boundaries.

The Ministerial Committee emphasized that it « understands the viewpoint of Eritrea on the origin of the conflict » and underlined its concerns « about the incidents which would have taken place at other places on the common border in July 1997 ». It noted that Badme Town was administered by the Ethiopian authorities prior to the eruption of the recent round of clashes. But it acknowledged that this « does not obviously prejudge the final status of that area which will be determined at the end of the delimitation and demarcation process and, if necessary, through arbitration ».

With regard to violations of human rights and treatment of nationals by both sides, the Ministerial Committee stated that « it could not establish the reality of a systematic or official action directed against Ethiopians in Eritrea ». But it expressed its deep concern on « the conditions in which the deportation of Eritreans was carried out by the Government of Ethiopia, the decision to extend those measures to the families of the deported persons and the fate of their properties ».

Ministry of Foreign Affairs,
Asmara, August 5, 1998. »

Appendix III

The Press Release issued on Monday, 9 November, 1998 by the Office of the Spokesperson of the Government of the Federal Democratic Republic of Ethiopia reads as follows :

"An OAU Committee which met this weekend in Ouagadougou presented a peace proposal to both Ethiopia and Eritrea. The proposal was consistent with the previous OAU resolution which stated that Eritrea should withdraw from Badme and its environs to positions held before 12th May and that the Ethiopian civilian administration should return.

Points of clarification were raised by the Ethiopian delegation, which was led by Prime Minister Meles Zenawi. Clarification was sought as it was important that all points be stated clearly, especially when taking into consideration the Eritrean government's tendency to be selective about facts that emerge from such meetings. Considering the proposal and the satisfactory clarification of these points, Ethiopia fully accepted the proposed OAU plan.

On the Eritrean side, talk of Badme was deemed to be trivialising the matter. Badme was a side issue, the real issue was solving the border conflict. Eritrea rejected the proposed plan, stating that any withdrawal could never be accepted.

This contemptuous response reflected President Isaia's previous statement : "We have always been there (Badme) and we are there to stay" and "an Eritrean withdrawal from Badme is unthinkable – it is like assuming that the sun would never rise".

Eritrea's continued rejection of a peaceful solution is in keeping with its past contempt for its neighbours, its previous dismissal of the OAU, its arrogant disregard for international law and for international bodies whose views have been so pointedly rejected.

As a result of Eritrea's intransigence the Ouagadougou Summit was forced to conclude that it should pass the peace plan and the responses elicited from both parties to the OAU's central body for conflict resolution".

Appendix IV

The Press Release issued on Monday, 9 November, 1998 by the Ministery of Foreign Affairs of the State of Eritrea reads as follows :

"The OAU Committee of Heads of State on the conflict between Eritrea and Ethiopia that met in Ouagadougou between May 7-8 has called on both sides to reflect on the talking points handed over to them. It announced that the problem would be further discussed at the next meeting of the OAU Central Organ which will be held next December.

The Committee took this decision because it could not sufficiently bridge the gap between the two sides. As always, the main stumbling block was Ethiopia's pre-condition of an unconditional Eritrean withdrawal from territory that is Eritrean. Eritrea's insistence that the meeting "should at least emerge with a signed agreement for the cessation of hostilities even if all outstanding issues could not be resolved at one go" could not materialise because of Ethiopia's outright rejection.

The OAU's talking points centered on : the cessation of hostilities; the demarcation of the boundaries within 6 months; an investigation of the incidents of July-August 1997 and May 6 in order to determine the origins of the conflict, and the demilitarisation of the border areas and a commitment to address the impact of the crisis on the civilian population and particularly deportees. In addition, the Committee felt that "armed forces presently in Badme be redeployed as a mark of goodwill" and as a "cure for the humiliation" that Ethiopia laments it had suffered in the clashes that occured in May.

Eritrea welcomed the OAU's ongoing peace efforts and regarded the Ouagadougou meeting as positive, providing a forum for a better understanding of all the pertinent issues. Its recognition that the conflict did not start in May 1998 but that it goes back to July 1997 and its call for an investigation into these events is significant since it has a bearing on the framework for a peaceful solution.

President Isaias Afwerki submitted the following points – which were further extensively discussed with the OAU Committee – that Eritrea felt should be incorporated to provide a sound basis for a lasting peaceful solution to the border conflict.

1. It has been Eritrea's consistent view that the conflict between Eritrea and Ethiopia is a border dispute that must be resolved by scrupulous respect of Eritrea's inherited Italian colonial boundaries. In this respect, I wish to emphasise that Ethiopia has flagrantly violated this cardinal principle by perpetrating an act of aggression at two levels : i) its issuance of a new map in October 1997 which illegally incorporated large areas of Eritrean territory; and ii) its military acts to create facts on the ground to incorporate the areas claimed on the illegal map; the first vivid precursor of these acts of aggression being the occupation of Adi Murug and incursions in the Badme area in July 1997.

Moreover, it has shown no intention of accepting and respecting Eritrea's colonial boundaries. A lasting peaceful solution, however, requires that Ethiopia rescind its illegal claims on Eritrea and declare, without equivocation, that it respects the colonial boundaries between the two countries that were delimited in accordance with the Treaties of 1900, 1902 and 1908. It is these same boundaries that have constituted Eritrea's frontiers since then. This unequivocal formulation, which is indeed a pre-requisite for the technical work of demarcation of the boundary between the two countries that will have to be carried out expeditiously under the auspices of the UN Cartographic Unit, must be reflected clearly in the principles that underpin a peaceful resolution of the conflict. I urge Your Excellencies to ensure that this crucial element is given the weight that it deserves, as without it there cannot be a peaceful solution.

2. Another cardinal principle that both sides must commit themselves to is the rejection of the use of force to resolve the border dispute. In this regard, I must re-iterate that it is Ethiopia which has repeatedly resorted to the use of force. This is not only true for the events of July 1997 but also for those of May 6, 1998. This is why Eritrea has been calling from the very beginning for an investigation into those events. Ethiopia, on the other hand, did not only commit those acts of aggression, but continues to publicly declare its desire to use force to impose a solution as illustrated by the resolution of its Parliament on May 13, 1998 and repeated pronouncements thereafter.

In this context, I wish to re-afffirm to Your Excellencies Eritrea's commitment to a cessation of hostilities. I urge you to impress on the other side to make the same commitment. Even if we cannot resolve all the outstanding issues at once go in this Summit, we should at least emerge from this gathering with a signed agreement on the cessation of hostilities.

3. A cessation of hostilities is certainly a sufficient condition for the deployment of an observer force and for carrying out an expeditious demarcation. If it is accepted that "in order to determine the origins of the conflict" an investigation needs to be carried out into the incidents of July-August 1997 and 6 May 1998, then obviously any pronouncement that prejudges "the origins of the conflict" is not justifiable. If it is a matter of goodwill, then the onus must be on both parties. The same logic applies to the issue of "administration". Certainly, no sovereign nation can countenance the administration of its own territory by a foreign country. I urge Your Excellencies to ensure that these fundamental points are incorporated.

4. Although I do not wish to dwell on issues tangential to the border dispute, important as these are in their own right, I must nonetheless state that detention and deportation of innocent civilians on account of their nationality is being carried out solely by Ethiopia. Fairness demands that appeals by the Summit be directed only to the culpable party.

Ministry of Foreign Affairs
Asmara, November 9, 1998".

Appendix V

The letter from Prime Minister Meles Zenawi of Ethiopia to the Current Chairman of the OAU, H.E. Blaise Compaore, President of Burkina Faso, reads as follows :

« Excellency and Dear Colleague,

Allow me to once again thank Your Excellency and Your Colleagues in the OAU High-Level Delegation for your tireless efforts to resolve the dispute between Ethiopia and Eritrea.

I am sure Your Excellency would recall that in our Ouagadougou Summit I had requested some clarification on Paragraphs 3 and 4 of the peace proposal. It is also to be noted that the High-Level Delegation underscored in its clarification, that with regards to article 3, the Eritrean forces are to withdraw from all Ethiopian border territories that they have occupied since May 6, 1998. I wish to refer as well to the confirmation made to me by the High-Level Delegation, in clarifying article 4 of the peace proposal that the Ethiopian Civilian Administration which will be reinstated in those areas will have the responsibility to enforce law and order and that in this context it will have all the necessary organs of law and order except the army. The Observer Group, as confirmed to me, is to assist the civilian administration in enforcing law and order on the basis of the request that the civilian administration might make.

Your Excellency will no doubt recall that upon receiving the clarifications mentioned above I stated to the Committee that I would give the Delegation my tentative acceptance of the peace proposal as clarified by the High-Level delegation. I also indicated that I will convey the Ethiopian Government's formal and official acceptance of the same after consulting my colleagues. I am very pleased, in this connection, to inform you that the Ethiopian Government has now formally and officially accepted the High-Level Delegation's peace proposal as clarified at our meeting in Ouagadougou.

I would be most grateful if Your Excellency were to communicate this formal and official response of the Government of Ethiopia to all concerned.

/...

Please accept, Excellency and Dear Colleague, the assurances of my highest consideration.

(Signed) MELES ZENAWI
Prime Minister

H.E. Mr. Blaise COMPAORE
President of Burkina Faso
Ouagadougou

cc : ***H.E. Mr. El Hadj Hassan Gouled Aptidon***
President of the Republic of Djibouti
Djibouti,

H.E. Mr. Robert Gabriel Mugabe
President of the Republic of Zimbabwe
Harare

H.E. Dr. Salim Ahmed Salim
Secretary General of the OAU
Addis Ababa »

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1224
24 December 1998

ORIGINAL: ENGLISH

LETTER DATED 24 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a press release issued on 24 December 1998 by the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia (see annex), concerning Eritrea's refusal to accept all peace efforts and initiatives, including the latest peace proposal of the Organization of African Unity.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

98-40433 (E) 281298

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Annex

Press release issued on 24 December 1998 by the Ministry of Foreign Affairs of Ethiopia

After a long process of intensive work, which comprised a thorough investigation by an ambassadorial committee followed by a review at a ministerial level, the Organization of African Unity (OAU) High-Level Delegation of Heads of State and Government tabled a peace proposal for a peaceful resolution of the crisis between Ethiopia and Eritrea on 7 November 1998 at Ouagadougou.

The core elements of that proposal are the request that Eritrea pull out its troops from all occupied Ethiopian territory and the demand for the restoration of the Ethiopian Administration, with all its law enforcement organs.

It is also to be noted that that proposal, along with the other elements of the peace package, was tentatively immediately accepted by our delegation, which was led by our Prime Minister, and after a few days was formally accepted by Ethiopia. Eritrea, on the other hand, in conformity with its known behaviour, first tried to wreck the peace process by singling out members of the High-Level Delegation for attack and in general by belittling the proposal put on the table by OAU. While in effect having rejected the proposal, Eritrea continued until the convening of the Summit of the OAU Central Organ on 17 and 18 December 1998, to which the High-Level Delegation was expected to submit its report, trying to create the impression that its final decision was pending.

But it turned out, which could have surprised no one, that what the Eritrean authorities had in store for OAU as a response to its peace proposal, which has been called by the Security Council "fair and balanced", was first a set of questionnaires and then amendments to the proposal, which in effect said "No" to the OAU request that Eritrea withdraw from Ethiopian territory. This represents - together with Eritrea's rejection of the United States-Rwandan peace proposal and the OAU Summit decision of 10 June 1998 - the third peace initiative rejected by Eritrea.

This is what Ethiopia has to deal with as a real challenge in its efforts to resolve peacefully this crisis imposed on its people by Eritrea. Obviously, Ethiopia has no partner for peace in this crisis. OAU has done whatever it could, under difficult circumstances and with little support from other parties, to make a difference for peace, and by impeccably discharging its responsibilities has put on the table a peace proposal which, to reiterate, has been characterized as "fair and balanced" by the Security Council. That proposal was endorsed by the Central Organ of OAU at the Summit level on 18 December 1998 at Ouagadougou, which also called for its speedy implementation.

It now appears obvious that all those who have been waiting until OAU took a final position on the matter have absolutely no excuse for failing to take a clear stand against aggression and for not putting all the necessary pressure on

the aggressor. The cause of peace and justice will be served in this instance by candid talk done in a transparent manner; not by reticence in the face of duplicity and disingenuous posturing by the Eritrean leadership, which sees no value in peacemaking and for whom might is right. It is time for those with real and genuine commitment for peace in our subregion to stand up and be counted. This involves, among other things, calling on the Eritrean authorities, without mincing words, to come to their senses and telling them directly that the game is up. OAU has discharged its responsibilities and is still continuing to do so. This OAU effort requires the effective support of the international community, which no doubt continues to bear great responsibility for giving diplomacy a chance or for making diplomacy lose all momentum, with all its consequences.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1225
28 December 1998

ORIGINAL: ENGLISH

LETTER DATED 24 DECEMBER 1998 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward a letter dated 24 December 1998 from Momir Bulatovic, President of the Federal Government of the Federal Republic of Yugoslavia, addressed to you (see annex I), and a memorandum on the negotiating position of the Federal Republic of Yugoslavia in connection with the region of Prevlaka and the preservation of the security system of the United Nations (see annex II).

I should be very grateful if you would have the present letter and its annexes published as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

98-40517 (E) 291298

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Annex I

Letter dated 24 December 1998 from the President of the Federal Government of the Federal Republic of Yugoslavia addressed to the President of the Security Council

The Federal Government of the Federal Republic of Yugoslavia has always attached enormous importance to the presence of United Nations military observers in Prevlaka and their basic function of preserving the original security system of the United Nations in the disputed area of Prevlaka until a lasting solution has been found.

I am addressing you on behalf of the Federal Government of the Federal Republic of Yugoslavia with a request that the Security Council of the United Nations extend the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP) beyond 15 January 1999 for an additional period of six months.

The negotiations of the two sides have entered a new phase, first by the meeting of the Ministers for Foreign Affairs of the Federal Republic of Yugoslavia and the Republic of Croatia at Zagreb on 18 August 1998, and then at the meetings of negotiating teams of the two countries at Zagreb on 16 September 1998, at Belgrade on 9 October 1998 and at Zagreb on 23 December 1998. A note on the negotiating position of the Federal Republic of Yugoslavia on the delimitation line in and the solutions relevant to the disputed territorial issue of Prevlaka and the arguments of the Federal Republic of Yugoslavia are contained in a separate memorandum (see annex II).

The creation and maintenance of an atmosphere which encourages the negotiating process is of enormous importance to the quest for a lasting solution. Considering that in the realization of that goal, great responsibility lies on both interested parties, the Federal Government of the Federal Republic of Yugoslavia expects the Security Council to dissuade the Republic of Croatia from taking unlawful acts in the Bay of Boka Kotorska and the disputed territory of Prevlaka, and to persuade it to respect absolutely the regime and borders of the "Blue" and "Yellow" zones of the United Nations so as to give the negotiating process an atmosphere of confidence.

The Federal Government of the Federal Republic of Yugoslavia wishes to assure the Security Council of its resolve to continue the negotiations in full accordance with the principle of good faith and with respect for the interests of both sides.

Attaching key importance to the bilateral negotiations that have begun, the Federal Government of the Federal Republic of Yugoslavia has responded in a constructive way to the call made by the Security Council in its resolution 1183 (1998) of 15 July 1998 and the report of the Secretary-General on the United Nations Mission in Prevlaka (S/1998/939) and seeks to find a mutually acceptable solution for this disputed territorial issue through direct negotiations. I wish to assure you that, for its part, the Federal Republic of Yugoslavia will continue to fully cooperate with UNMOP and that it will render it support in the realization of its tasks.

Proceeding from the role and responsibility that the United Nations and UNMOP have in the preservation of the original security system of the United Nations in Prevlaka and of the good conditions for the evolvement of the negotiating process, the Federal Government of the Federal Republic of Yugoslavia requests once again and expects the Security Council to extend the UNMOP mandate beyond 15 January 1999 for an additional period of six months.

(Signed) Momir BULATOVIC

Annex II

Memorandum on the negotiating position of the Federal Republic of Yugoslavia in connection with the region of Prevlaka and the preservation of the security system of the United Nations

The Federal Republic of Yugoslavia does not intend to request that the disputed issue of Prevlaka be debated in the Security Council since, according to the agreement on the normalization of relations between the Federal Republic of Yugoslavia and the Republic of Croatia of 23 August 1996, that issue is the subject of negotiations between the two States, but it does consider itself obliged to inform the Security Council about the evolution of the negotiating process with the Republic of Croatia and the functioning of the security system of the United Nations in Prevlaka.

I

At the meetings of the negotiating teams of the Federal Republic of Yugoslavia and the Republic of Croatia at Zagreb on 16 September 1998, at Belgrade on 9 October 1998 and at Zagreb on 23 December 1998, the two delegations adopted rules of negotiating procedure and presented their negotiating positions and views on the disputed territorial issue of Prevlaka.

At the meeting at Zagreb on 23 December 1998, the delegation of the Federal Republic of Yugoslavia handed the Croatian side a note on the position of the Federal Republic of Yugoslavia on the delimitation line and the extension of the state border, with argumentation.

In addition to the argumentation referred to in the Yugoslav proposal on the delimitation line between the Federal Republic of Yugoslavia and the Republic of Croatia, the Federal Republic of Yugoslavia has, in responding to the positions of the Republic of Croatia, pointed out in the negotiations the following positions and arguments:

(a) The Federal Republic of Yugoslavia considers Prevlaka as its territory on the basis of the principle uti possidetis de facto, which is in full accordance with international law, the Charter of the United Nations and Organization for Security and Cooperation in Europe documents;

(b) The fact that no delimitation in the disputed region has ever been carried out in history proves that the claim of the Republic of Croatia that the Federal Republic of Yugoslavia wishes to change the "internationally recognized borders" is not true. The Federal Republic of Yugoslavia wishes only to establish an inter-state border with the Republic of Croatia in the southern sector on the basis of international law and the principle of equality because it is an obligation for the two States of international importance;

(c) The fact that the disputed issue of Prevlaka is considered in the Security Council under the agenda item "Situation in Croatia" is the result of inertia created due to the specific conditions in which the monitoring military

mission of the United Nations in Prevlaka was formed as an independent mission, so that that can be neither a legal nor political argument;

(d) There are no private owners of land in Cape Ostro, i.e., Prevlaka. The process of the sale of land was begun in 1858 and completed in 1918 by a series of legally absolutely valid purchase agreements.

II

There is no doubt that in addition to the responsibility of the two sides, the key role for the creation of a good negotiating atmosphere for the consistent and full preservation of the security system of the United Nations in Prevlaka in the zones designated by the United Nations is that of the United Nations and its military observers.

The Government of the Federal Republic of Yugoslavia wishes to draw the attention of the Security Council once again to the two incidents that took place in the Bay of Boka Kotorska on 12 August and 10 September 1998, in which the police of the Republic of Croatia detained, without authorization and unlawfully, two Yugoslav citizens, and opened fire on Yugoslav fishermen, threatening their lives and causing material damage in a gross violation of the territorial integrity and sovereignty of the Federal Republic of Yugoslavia. The Federal Government of the Federal Republic of Yugoslavia protests once again this unlawful behaviour of the Republic of Croatia.

The Government of the Federal Republic of Yugoslavia wishes once again to draw to the attention of the Security Council the fact that since the establishment of the security system of the United Nations in Prevlaka, the Republic of Croatia has constructed eight facilities for military purposes in the zone under the control of the United Nations, i.e., in the "Blue Zone", in which the presence of all persons, except of the members of the United Nations, is absolutely forbidden. The number of illegally constructed facilities for military purposes in the demilitarized "Yellow Zone" is far greater.

The Republic of Croatia has taken these unlawful acts despite the fact that the borders and regime of the Blue and Yellow zones have been defined and accepted by the Presidents of the Federal Republic of Yugoslavia and the Republic of Croatia (see S/24848 and S/24600). Measures taken in that connection by the Federal Republic of Yugoslavia have been taken only in response to the unlawful behaviour of the Republic of Croatia (see S/1996/180).

The said unlawful acts of the Republic of Croatia create a psychosis of fear among the neighbouring population in the Bay of Boka Kotorska, i.e., in Montenegro, and are not contributory to an auspicious negotiating atmosphere. The Federal Republic of Yugoslavia would appreciate it very much if the Security Council, proceeding from its own responsibility, would take measures to annul the results of the Croatian unlawful acts and to prevent further presence of any persons from the Republic of Croatia in the zone under the control of the United Nations, especially since the United Nations committed itself on 20 October 1992 to guaranteeing that the Republic of Croatia would not cross into the zone under the control of the United Nations (Blue Zone).

The Government of the Federal Republic of Yugoslavia points out once again that it calls most vigorously for the preservation of and absolute respect for the original security system of the United Nations in Prevlaka, established in 1992, the borders and regime of which were accepted by the Federal Republic of Yugoslavia and the Republic of Croatia.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/1226
28 December 1998

ORIGINAL: ENGLISH

LETTER DATED 28 DECEMBER 1998 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 751 (1992) CONCERNING SOMALIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia (see annex), which was adopted by the Committee under the no-objection procedure on 24 December 1998 and is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) Jassim Mohammed BUALLAY
Chairman
Security Council Committee established
pursuant to resolution 751 (1992)
concerning Somalia

98-40523 (E) 291298

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Annex

Report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

I. INTRODUCTION

1. The present report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia covers the period from January to December 1998.

2. A report of the Committee covering its activities from 1 January to 31 December 1997 was submitted to the Security Council on 31 December 1997 (S/1997/1029).

II. SUMMARY OF THE COMMITTEE'S ACTIVITIES DURING THE REPORTING PERIOD

3. At its 14th meeting, on 6 January 1998, the Committee elected its bureau for 1998, which consisted of Ambassador Jassim Mohammed Buallay (Bahrain) as Chairman, with the delegations of Costa Rica and Gambia providing the two Vice-Chairmen.

III. OBSERVATIONS

4. The Committee does not have any specific monitoring mechanism to ensure the effective implementation of the arms embargo, and would like to recall its previous observations that it relies solely on the cooperation of States and organizations in a position to provide information on violations of the arms embargo. During the reporting period, no violations were brought to the attention of the Committee. In this regard, the Committee took note of Security Council resolution 1196 (1998) of 16 September 1998, in which, inter alia, the Council reiterates the obligation of all States to carry out the decisions of the Council on arms embargoes and also reiterates its request that all States report information on possible violations of arms embargoes established by the Council to the relevant Security Council Committees. The Committee also strongly endorses paragraph 2 of that resolution, in which the Council encourages each Member State, as appropriate, to consider as a means of implementing these obligations the adoption of legislation or other legal measures making the violation of arms embargoes established by the Council a criminal offence.

5. In accordance with paragraph 4 of resolution 1196 (1998), the Committee intends to consider appropriate steps with a view to improving the monitoring of the arms embargo imposed against Somalia, and to that end will establish channels of communication with relevant regional and subregional organizations and bodies.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/1227
28 December 1998

ORIGINAL: ENGLISH

LETTER DATED 28 DECEMBER 1998 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 864 (1993) CONCERNING THE SITUATION IN ANGOLA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola (see annex), which was adopted by the Committee under the no-objection procedure on 24 December 1998 and is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) Njuguna M. MAHUGU, OGW
Chairman
Security Council Committee established
pursuant to resolution 864 (1993)
concerning the situation in Angola

98-40529 (E) 291298

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Annex

Report of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola

I. INTRODUCTION

1. The present annual report of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola covers the period from January to December 1998.

II. SUMMARY OF THE COMMITTEE'S ACTIVITIES DURING THE REPORTING PERIOD

2. At its 13th meeting, on 6 January 1998, the Committee elected its bureau for 1998, which consisted of Ambassador Njuguna M. Mahugu, OGW (Kenya) as Chairman, with the delegations of Costa Rica and Japan providing the two Vice-Chairmen. The Committee held two meetings as well as several informal meetings in 1998.

3. By a note verbale of 19 February 1998, the Committee transmitted to all States and international organizations/specialized agencies for their information and use, as necessary, an addendum to the list of senior officials of the União Nacional para a Independência Total de Angola (UNITA) and adult members of their immediate families whose travel had been restricted in accordance with paragraphs 4 (a) and 4 (b) of resolution 1127 (1997) of 28 August 1997. A press release (SC/6479) on this subject was also issued.

4. At its 14th meeting, on 4 March 1998, the Committee considered various matters, and action that followed as result of decisions taken are reflected below:

(a) The Committee continued its consideration of a further addendum to the above-mentioned list of senior officials of UNITA and adult members of their immediate families, which is to be updated on a regular basis, and any additions or deletions are to be transmitted to all States and international organizations/specialized agencies;

(b) The Committee also considered information received regarding a list of UNITA aircraft allegedly operating/registered in four countries (Côte d'Ivoire, Republic of the Congo, South Africa and Zambia). In accordance with a decision taken, the Chairman addressed letters to these four countries requesting verification of this information. Two countries (Zambia and South Africa) have since replied. The reply received from Zambia indicated that the information received by the Committee was incorrect, and that the aircraft referred to in the Chairman's letter were not registered and did not operate from Zambian territory. It further furnished the Committee with relevant information and action taken by the Zambian Government to ensure that all aircraft entering and leaving Zambia did not engage in any activity that would violate the provisions

of the relevant Security Council resolutions. The reply received from South Africa transmitted information on the registered owners, country of registration and flight details of the aircraft in question, and further informed the Committee of the continuing investigations being undertaken by the South African Police Service and intensification of surveillance at South African airports;

(c) The Committee further considered a letter from the Permanent Representative of Ukraine to the United Nations concerning a Ukrainian aircraft, leased by a South African company, which was impounded by the Angolan authorities for allegedly violating the sanctions imposed against UNITA, and invoked the assistance of the Committee on this matter. The Chairman, as decided by the Committee, discussed this issue with the Permanent Representatives of Ukraine and Angola;

(d) The Chairman sought the Committee's guidance on his proposed visit to Angola and neighbouring countries for the purpose of discussing implementation of the sanctions imposed against UNITA. The Committee endorsed this timely visit, and emphasized the importance of sanctions as an instrument for advancing the peace process in Angola. Subsequently, the Chairman visited Angola, Côte d'Ivoire, the Democratic Republic of the Congo, Kenya, Namibia, South Africa, Togo and Zambia, and on his return briefed the Security Council on the outcome of his visit.

5. In connection with a list of aircraft registered in Angola required in accordance with paragraph 4 (d) (iii) of resolution 1127 (1997), the Committee has addressed several letters to the Government of Angola on this matter but to date has not received any response.

6. On 6 March 1998, a reminder note verbale was sent by the Chairman to those States that had not reported information on the measures adopted by them in implementation of paragraph 4 of resolution 1127 (1997). Additional replies received from 26 States were issued as documents of the Committee, and are listed in reports submitted by the Committee to the Security Council (S/1998/145 and Add.1-3). Subsequently, two more replies were received from Botswana and Liechtenstein, bringing the total number of States that had replied to 57.

7. In its resolution 1173 (1998) of 12 June 1998, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided to expand the measures imposed against UNITA. These measures require States, except Angola, to freeze UNITA funds within their territory and ensure that those funds are not made available directly to or for the benefit of UNITA as an organization or of senior officials of UNITA or adult members of their immediate families designated pursuant to paragraph 11 of resolution 1127 (1997). It also requires States, in areas of Angola to which State administration has not been extended, to take the necessary measures to prevent all official contacts with UNITA leadership; prohibit import of diamonds from Angola that are not controlled through the Government's Certificate of Origin; prohibit the sale or supply to persons or entities in areas of Angola to which State administration has not been extended, by their nationals or from their territory, or using their flag vessels or aircraft, of equipment used in mining or mining services as well as motorized vehicles or watercraft or spare parts for such vehicles, or ground or waterborne transportation services. The foregoing measures came into force on

1 July 1998, in accordance with paragraph 2 of resolution 1176 (1998) of 24 June 1998.

8. In accordance with paragraph 13 of resolution 1173 (1998) the Committee is authorized to approve, on a case-by-case basis, exemptions to the foregoing measures specified in paragraphs 11 and 12 of resolution 1173 (1998) for verified medical and humanitarian purposes. In this connection, the Committee approved, on a no-objection basis, one request for an exemption to the measure specified in paragraph 12 (a) of resolution 1173 (1998) on humanitarian grounds.

9. By paragraph 20 of resolution 1173 (1998), the Security Council mandated the Committee to undertake the following tasks:

(a) To draw up guidelines expeditiously for the implementation of paragraphs 11 and 12 of resolution 1173 (1998), and to consider ways and means for further strengthening the effectiveness of the measures adopted by the Council in its previous resolutions;

(b) To report to the Council by 31 July 1998 regarding the actions taken by States to implement the measures specified in paragraphs 11 and 12 of resolution 1173 (1998).

10. The Committee adopted the revised consolidated guidelines for the conduct of its work on 17 July 1998. These guidelines, which were specifically formulated to assist States in the implementation of paragraph 12 (c) and (d) of resolution 1173 (1998), were transmitted by a note verbale on 21 July 1998 to all States and international organizations/specialized agencies. A press release on this subject (SC/6553) was also issued. That note verbale also requested States to provide the Committee with information on the measures taken by them to implement the provisions of paragraphs 11 and 12 of resolution 1173 (1998). Replies received from 31 States were issued as documents of the Committee, and are listed in reports submitted by the Committee to the Security Council (S/1998/728 and Add.1). Subsequently, two additional replies were received from Botswana and Liechtenstein, bringing the number of States that had replied to 33.

III. ACTION BY THE SECURITY COUNCIL

11. In addition to resolutions 1173 (1998) and 1176 (1998) mentioned above, the Security Council, in resolutions 1149 (1998) of 27 January 1998, 1157 (1998) of 20 March 1998 and 1164 (1998) of 29 April 1998, reaffirmed its readiness to review the measures specified in paragraph 4 of resolution 1127 (1997) or to consider the imposition of additional measures against UNITA in accordance with paragraphs 8 and 9 of resolution 1127 (1997).

12. In paragraph 3 of resolution 1157 (1998), the Council also endorsed the planned visit by the Chairman of the Committee to Angola and other interested countries to discuss the full and effective implementation of the measures specified in paragraph 4 of resolution 1127 (1997) with a view to urging compliance by UNITA with its obligations under the Lusaka Protocol and relevant Security Council resolutions. In paragraph 4 of resolution 1157 (1998) and

paragraph 14 of resolution 1164 (1998), the Council called upon States to implement fully and without delay the measures specified in paragraph 4 of resolution 1127 (1997), reiterated the Council's request that Member States having information on flights and other actions prohibited in paragraph 4 of resolution 1127 (1997) provide this information to the Committee, and requested the Secretary-General to report on these violations by UNITA and certain Member States.

13. In paragraph 13 of resolution 1164 (1998), the Council expressed its appreciation to the Chairman of the Committee, who visited Angola and other interested countries, and reinforced the need for full and effective implementation of the measures specified in paragraph 4 of resolution 1127 (1997) in order to achieve compliance by UNITA with its obligations under the Lusaka Protocol and relevant Security Council resolutions.

14. In paragraph 11 of resolution 1190 (1998) of 13 August 1998, paragraph 5 of resolution 1195 (1998) of 15 September 1998 and paragraph 13 of resolution 1202 (1998) of 15 October 1998, the Council called on Member States to implement fully the relevant provision of resolutions 1173 (1998), 1127 (1997) and 864 (1993). In resolution 1202 (1998), the Council also, inter alia, expressed its readiness to consider appropriate reinforcing steps. In paragraph 14 of that resolution, the Council further requested the Chairman of the Committee to investigate reports that the leader of UNITA travelled outside Angola in violation of resolution 1127 (1997), and that UNITA forces received military training and assistance as well as arms from outside Angola in violation of resolution 864 (1993). In addition, in that resolution the Council requested the Secretary-General to include in his report on Angola recommendations regarding ways of improving the implementation of the measures imposed on UNITA.

15. In resolution 1196 (1998) of 16 September 1998, the Council aimed at strengthening the effectiveness of existing arms embargoes. In particular, in paragraph 3 of that resolution, the Council requested the arms embargo Committees to submit recommendations, as appropriate, for strengthening the effectiveness of these embargoes.

16. In resolution 1213 (1998) of 3 December 1998, inter alia, the Council urged Member States to support the peace process in Angola through full and immediate implementation of the measures against UNITA, and expressed its readiness to consider appropriate reinforcing steps in accordance with the recommendations to be included in the Secretary-General's report on Angola to be submitted to the Council by 15 January 1999. It further reiterated the request contained in resolution 1202 (1998) for recommendations regarding technical and other ways for Member States to improve the implementation of the measures imposed against UNITA.

IV. OBSERVATIONS

17. Given the deteriorating situation in Angola, the Committee stresses the need for Member States, with a view to supporting the peace process in Angola, to comply with their obligations in the implementation of the measures imposed against UNITA by resolutions 864 (1993), 1127 (1997) and 1173 (1998). In this

regard, the Committee would in particular like to draw attention to paragraph 2 of resolution 1196 (1998), in which the Council encourages Member States, as appropriate, to consider as a means of implementing these obligations the adoption of legislation or other legal measures making the violation of arms embargoes by the Security Council a criminal offence. Furthermore, in accordance with paragraph 4 of resolution 1196 (1998), the Committee intends to consider appropriate steps with a view to improving the monitoring of the arms embargo and other measures imposed against UNITA, and to that end will establish channels of communication with relevant regional and subregional organizations and bodies.

UNITED
NATIONS

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Security Council

Distr
GENERAL

S/1998/1228
28 December 1998

ORIGINAL: ENGLISH

LETTER DATED 24 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF QATAR TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that the Islamic Group at the United Nations, at its urgent meeting held on Friday, 18 December 1998, considered the situation in Iraq.

The Islamic Group adopted a statement on the matter the text of which I am presenting for your perusal (see annex).

I would be grateful if this letter, and its annex, could be circulated as a document of the Security Council.

(Signed) Nassir Abdulaziz AL-NASSER
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Qatar
to the United Nations
Chairman of the Islamic Group

98-40497 (E) 281298

Annex

Statement on the situation in Iraq adopted by the Islamic Group at the United Nations on 18 December 1998

The Islamic Group at the United Nations in New York expresses its grave concern about the current military strikes against Iraq as well as its deep concern and preoccupations in the face of this serious development and its repercussions on Iraq and on the region in general.

The Islamic Group further reiterates that the resolution of the current crisis can be achieved not through unilateral military action, but rather through a constructive dialogue which would guarantee the implementation of the Security Council resolutions and safeguard at the same time the sovereignty, territorial integrity and security of Iraq, and the safety and dignity of its people. The Islamic Group also lays a particular emphasis on the imperative need for all parties to act within the framework of international legitimacy.

The Islamic Group launches an urgent appeal for an immediate cessation of the military action against Iraq and for a return to the dialogue approach under the auspices of the Security Council. In this regard, the Islamic Group calls on all parties, including Iraq, to continue to implement the relevant Security Council resolutions.

The Islamic Group welcomes the initiatives undertaken by the United Nations Secretary-General in the matter and wishes to encourage him to continue these efforts.

UNITED NATIONS **S**

Security Council

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GENERAL

S/1998/1229
28 December 1998
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 28 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF BURUNDI TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of the resolution on regional sanctions imposed on Burundi, adopted at the fourth ordinary session of the Central Organ of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution, meeting at the level of heads of State and Government in Ouagadougou on 17 and 18 December 1998 (see annex).

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Gamaliel NDARUZANIYE
Ambassador
Permanent Representative

98-40503 (E) 281298 281298

/...

Annex

[Original: English and French]

Resolution on the economic sanctions imposed on Burundi

The fourth ordinary session of the Central Organ of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution, at the level of heads of State and Government, meeting in Ouagadougou, Burkina Faso, on 17 and 18 December 1998,

Having taken note of the report of the Secretary-General of OAU on the question of economic sanctions imposed on Burundi by the heads of State of the subregion,

Referring to the final communiqué issued at the end of the sixth regional summit on the Burundi conflict held in Kampala on 21 February 1998, at which the heads of State pledged to review the said sanctions as soon as the Arusha negotiations got under way,

Considering that the pledge to review the sanctions once the negotiations started was reaffirmed at the thirty-fourth OAU Summit, held in Ouagadougou from 8 to 10 June 1998,

Noting that the inter-Burundi talks did commence on 15 June 1998 in the presence of the heads of State of the region and under the mediation of Mwalimu Julius Nyerere,

Also noting that the Government of Burundi has implemented all the conditionalities demanded by the heads of State of the subregion,

Considering that the parties to the Burundi conflict have already held three sessions of negotiation in Arusha in a serene atmosphere underpinned by the irreversible political will of the protagonists to resolve the crisis through political dialogue,

Taking into account the fact that the said sanctions mostly affect the most vulnerable categories of the population and undermine development achievements, as well as impede the peace process,

Makes an urgent and brotherly appeal to the heads of State of the subregion to lift the sanctions immediately;

Invites the Secretary-General of OAU to follow up the implementation of this request.

Done at Ouagadougou, Burkina Faso, on 17 December 1998.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/1230
28 December 1998

ORIGINAL: ENGLISH

LETTER DATED 28 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF ISRAEL TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On Wednesday, 23 December 1998, Hizbullah, an Iranian-backed terrorist organization based in Lebanon, launched a massive rocket attack against civilian towns and villages in northern Israel. The areas of both the western Galilee and the upper Galilee, as well as the city of Kiryat Shemona, were affected, resulting in the injury of 16 Israeli civilians, including children. At least 250 buildings were damaged. The human toll would have been considerably more substantial had thousands of civilians not sat in bomb shelters for 24 hours. Israel holds the Government of Lebanon directly responsible for this terrorist attack, which was perpetrated from its territory.

Hizbullah has repeatedly declared that it would continue to direct attacks against Israeli civilian targets. At the time of last week's rocket attack, Mohammed Ra'ad, the chairman of the Political Council of Hizbullah, stated on Radio Al-Nur: "I see nothing in the response of the Islamic resistance that should arouse any comment, or would be worthy of condemnation. In no way should there be a condemnation for the firing of rockets at settlements by the Islamic resistance ...".

Israel has expressed its regret for the loss of civilian life which occurred in the course of an air raid against terrorist targets in Lebanon on 22 December. It should be noted, however, that while the loss of Lebanese civilian life was accidental, as the Government of Israel has already explained, the attack on Israeli civilians was, by contrast, premeditated and deliberate, calculated for a time when children go to school. This attack constitutes an unquestionable violation of the 1996 understandings reached under the auspices of the Secretary of State of the United States of America.

Israel has repeatedly stated its willingness to implement United Nations Security Council resolution 425 (1978) of 19 March 1978 in its entirety. The Council in that resolution called not only for the withdrawal of Israeli forces, but also for the restoration of international peace and security and the return of the Lebanese Government's effective authority in the area. The last two provisions of the resolution are not compatible with the continued presence and activities of terrorist organizations in southern Lebanon. Israel reiterates

again its willingness to implement Council resolution 425 (1978) and calls upon the Government of Lebanon to cooperate with Israel in order to restore peace and security along our common border.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Dore GOLD
Ambassador
Permanent Representative

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1231
29 December 1998

ORIGINAL: ENGLISH

LETTER DATED 28 DECEMBER 1998 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to forward a letter dated 28 December 1998 from Zivadin Jovanovic, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to you (see annex I), and an aide-mémoire also dated 28 December 1998 on the political situation in Kosovo and Metohija, an autonomous province of the Yugoslav constituent Republic of Serbia (see annex II).

I would be very grateful if you would have this letter and its annexes circulated as a document of the Security Council as requested in the letter of Foreign Minister Jovanovic.

(Signed) Vladislav JOVANOVIC

98-40670 (E) 311298

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Annex I

Letter dated 28 December 1998 from the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia addressed to the Secretary-General

In connection with your obligation under Security Council resolution 1203 (1998) of 24 October 1998, I should like to inform you of the following.

The Governments of the Republic of Serbia and the Federal Republic of Yugoslavia are resolutely committed to the realization of a peaceful political solution in the Autonomous Province of Kosovo and Metohija, which must guarantee the equality of all citizens and national and ethnic communities, in accordance with the international standards and the principle of the respect of sovereignty and territorial integrity of the Republic of Serbia and the Federal Republic of Yugoslavia. In that context, unconditional political dialogue has been initiated, in which the representatives of all national and ethnic communities participate, including two political parties of the members of the Albanian national minority. The participants in the dialogue represent over 600,000 citizens, 250,000 of whom are Serbs and Montenegrins, 150,000 Muslims, 150,000 Romanies, and more than 50,000 Turks, Croats and others.

Representatives of some political parties of the Albanian national minority did not accept the resumption of the dialogue. While they are refusing the dialogue, terrorists on the ground are abusing the newly created situation, intensifying their criminal activity, kidnapping and killing innocent civilians and the representatives of State authorities, and creating tensions and anxiety among citizens which the State authorities cannot tolerate.

Desirous of contributing to a more objective picture of the overall situation in Kosovo and Metohija, we are enclosing herewith an aide-mémoire (see annex II) containing relevant facts, with a request that you have this letter and the document attached thereto circulated as official documents of the Security Council.

(Signed) Zivadin JOVANOVIC

Annex II

Aide-mémoire dated 28 December 1998 on the political situation in Kosovo and Metohija, an autonomous province of the Yugoslav constituent Republic of Serbia

In operative paragraph 8 of its resolution 1160 (1998) of 31 March 1998, the Security Council decided that "all States shall ... prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, by their nationals or from their territories or using their flag vessels and aircraft, of arms and related matériel of all types, such as weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, and shall prevent arming and training for terrorist activities there".

In operative paragraph 11 of its resolution 1199 (1998) of 23 September 1998, the Council "requests States to pursue all means consistent with their domestic legislation and relevant international law to prevent funds collected on their territory being used to contravene resolution 1160 (1998)".

In the ninth preambular paragraph of its resolution 1203 (1998) of 24 October 1998, the Security Council, inter alia, condemned external support for terrorism in Kosovo and Metohija, "including the supply of arms and training for terrorist activities in Kosovo", and expressed concern at the reports of continuing violations of the prohibitions imposed by resolution 1160 (1998). In the same resolution, the Council requested the Secretary-General, "acting in consultation with the parties concerned ... to report regularly to the Council regarding implementation of this resolution".

The Federal Republic of Yugoslavia wishes to draw attention to some relevant facts which bear witness to the violation of the aforementioned provisions of Security Council resolutions, and expects that these facts should be given due consideration.

I. TERRORISM

Between 1 January and 26 December 1998, in the territory of Kosovo and Metohija,[a] there have been more than 1,854 terrorist attacks, in which 284 persons were killed and 556 wounded. Some 1,106 terrorist attacks were carried out against the facilities and members of the police, in which 115 policemen were killed and 399 wounded. Fourteen police officers were abducted, of whom three were killed and three were released, while the fate of eight policemen is still unknown. Some 748 attacks were carried out against civilians, in which 169 persons were killed (46 Serbs and Montenegrins, 76 Albanians, three Romanies, two Muslims and 42 so far unidentified persons), while 157 civilians were wounded.

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[a] An autonomous province in the Republic of Serbia hereinafter referred to as Kosmet.

In the period from 1 January through 26 December 1998, Albanian terrorists abducted 290 citizens (171 Serbs and Montenegrins, 100 Albanians, 14 Romanies and five persons of other ethnicity), of whom 31 persons were killed, 108 released, and nine escaped, while the fate of 142 persons is still unknown.

Mass grave sites of executed civilians (at Glodjane, Klečka, Volujak etc.) testify to the unprecedented atrocities committed by terrorists.

In the period from 13 October 1998, after the signing of the agreement between the President of the Federal Republic of Yugoslavia, Slobodan Milošević, and the United States Special Envoy, Richard Holbrooke, until 26 December 1998 alone, 470 terrorist attacks were carried out, as described below.

A. Against police

Some 330 attacks were launched against facilities and members of the Republic of Serbia Interior Ministry, in which 12 officers were killed and 38 sustained injuries. During this period, Albanian terrorists took three police officers hostage, two of whom were killed.

The largest number of terrorist attacks against police officers and targets were perpetrated on 23 October 1998, namely 19 attacks.

Typical examples

Albanian terrorists abducted two police officers on 6 November 1998, near Dubrava village, municipality of Orahovac, and killed them on 9 November 1998.

On 20 November 1998, terrorists carried out an attack against police using hand-held rocket launchers at Prilep village, municipality of Dečani, killing three police officers and seriously wounding three others.

On 4 December 1998, a terrorist attack on the General Hospital at Peć was carried out. Two police officers were wounded.

At the Glogovac electric power supply station on 11 December 1998, three persons of Albanian nationality were killed in a terrorist attack. One of them was a member of the Ministry of the Interior of the Republic of Serbia.

At Podujevo, on 21 December 1998, one member of the Ministry of the Interior of the Republic of Serbia was killed, while a woman employee of the Municipality of Podujevo sustained serious injuries.

On 22 December 1998 at Priština, one policeman sustained serious injuries in a terrorist attack.

B. Against civilians

In the same period, there were 140 terrorist attacks against civilians, in which 20 persons were killed (nine Serbs, 10 Albanians, one Muslim), while 30 civilians were wounded.

The most serious crime took place on 14 December 1998 in the "Panda" cafe at Peć, when six young men of Serb and Montenegrin nationality, aged between 15 and 21, were killed. Three persons were wounded, including the owner of the cafe, an ethnic Muslim.

In this period, Albanian terrorists attacked several times the workers of Belaćevac mine, municipality of Kosovo Polje, killing one and wounding three workers during one attack.

On 18 November 1998, at Peć, terrorists attacked an Albanian civilian, Dr. Zejnulahu Nurudin and his four children. Dr. Zejnulahu was killed and his under-age daughter was wounded.

In the municipality of Klina, on 3 December 1998, terrorists killed a civilian Nedžmedin Bedar (an Albanian).

In a terrorist attack at Kosovska Mitrovica, on 22 December 1998 in the Melisa café, Nasef Haziri was murdered and Ljuljzim Aderni, a member of the local security forces, was wounded.

The most recent heinous example of the brutality of the terrorists so-called Kosovo Liberation Army (KLA) occurred on 26 December 1998 at the village of Obrandža near Podujevo, when Milovan Radojević, a 73-year-old Serb from the only remaining Serb family in the village, was killed on the doorstep of his house.

C. Against the Army of Yugoslavia

In this period, 12 terrorist attacks from the Republic of Albania were committed against troops of the Army of Yugoslavia. In addition, Albanian terrorists on 12 occasions attacked the members of the Army of Yugoslavia deep in the territory of the Federal Republic of Yugoslavia. In these attacks, two soldiers were killed and eight were wounded.

D. Abductions/kidnapping

Since the signing of the agreement between the President of the Federal Republic of Yugoslavia, Slobodan Milošević, and the United States Special Envoy, Richard Holbrooke, on 13 October 1998, through 26 December 1998, Albanian terrorists have abducted 34 civilians (seven Serbs, 20 Albanians and seven others) and three policemen. Twenty persons are still unaccounted for, 13 were released and one was killed. Of the three abducted policemen, two were killed and one was released.

The most striking example is the abduction and killing of the Deputy Mayor of Kosovo Polje, Zvonko Bojanić. He was abducted and killed on 18 December 1998 and his body was found on the Priština-Peć road.

Through the brutal terrorist actions of the so-called KLA, particularly in the larger urban centres, fear and a feeling of insecurity is incited among the general populace, an attempt is made to draw attention of the public at large and even more intense terrorist activity is announced for the coming spring. The terrorists used the reduction in the number of security forces and the presence of the Kosovo Verification Mission officials to take over former police checkpoints, abduct and liquidate loyal Albanians or politically active Serbs, and mistreat the elderly, women and children.

The Secretary-General, in his most recent report dated 4 December 1998, expressed his concern and condemned Albanian terrorists for taking over the positions from which the police had withdrawn.

Measures undertaken by the authorities against the terrorists represent a legitimate reaction to the ever more frequent and insolent terrorist attacks and provocations, are strictly within the framework of law and competencies of the relevant authorities, and are in the function of the protection of all the citizens, their property, public law and order, freedom of movement, functioning of traffic and public services.

The goals of terrorist attacks against civilians are aimed at intimidating and expelling the non-Albanian population, transforming Kosmet into an ethnically cleansed region, and retaliating against the members of the Albanian national minority who are loyal citizens to the State of Serbia and the Federal Republic of Yugoslavia.

The following data testify to this: as a result of previous separatist and terrorist pressure, 700 villages were ethnically cleansed from non-Albanians out of a total number of 1,413 villages in Kosovo and Metohija, while only in the course of 1998, Serbs and Montenegrins were fully expelled from an additional 87 villages.

II. BORDER INCIDENTS

Between 1 January and 20 December 1998, 122 incidents were perpetrated from the territory of the Republic of Albania against the territory of the Federal Republic of Yugoslavia. In the last two months alone, from the signing of the Kosovo Verification Mission agreement on 16 October 1998 through 20 December 1998, 22 serious border incidents have been recorded.

The incidents involved from dozens up to 1,000 armed terrorists attempting to infiltrate Yugoslav territory, thus continuously threatening the territorial integrity and sovereignty of the Federal Republic of Yugoslavia. The incident which occurred on 14 December 1998, when in one single day three groups numbering several hundred terrorists infiltrated into Federal Republic of Yugoslavia territory in the area of Mount Paštrik, in the region of the Liken security post between the border stones D-4 and D-5, is characteristic. After

the terrorists fired at them, the Yugoslav guards responded and killed 36 and captured nine uniformed terrorists. All the terrorists were wearing uniforms with the terrorist so-called KLA insignia, and were armed with German-made weapons.

Members of the Kosovo Verification Mission team based at Prizren carried out an on-site verification and submitted a report.

Moreover, Organization for Security and Cooperation in Europe (OSCE) monitors in Albania in their regular on-site reports since March 1998 (see "Spot report: Kosovo border monitoring") cite concrete data on attempts at illegal crossings into the Federal Republic of Yugoslavia by the members of the terrorists of the so-called KLA. The reports note that the forces of the so-called KLA terrorists, grouped along the border between the Republic of Albania and the Federal Republic of Yugoslavia, continue to provoke Yugoslav border units.

The armed violations of the State border and provocations from the territory of Albania have been particularly frequent with the intensifying of efforts to reach a peaceful political solution. This testifies that the terrorists' goal is to cause tension, provoke foreign interference and prevent a peaceful political resolution.

Officers of the Albanian armed forces, as well as instructors of terrorists from certain countries of the Middle East, Afghanistan, Chechniya, and Bosnia and Herzegovina are involved in the arming, recruitment and training of terrorists.

The official authorities of Albania do not undertake anything to prevent the serious violations of the Yugoslav border and threats to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, which is their international obligation under Security Council resolutions, but furthermore openly encourage and support separatism and terrorism in Kosmet, the aim of which is to create a so-called Greater Albania to the detriment of the territory of neighbouring States. Therefore, it is necessary that the Security Council unequivocally condemn such behaviour of Albania, the violation of the principles of the Charter of the United Nations, and on the basis of Chapter VII of the Charter that it order the immediate undertaking of concrete measures with a view to fulfilling the obligations under the relevant Security Council resolutions.[b]

III. VIOLATION OF THE ARMS EMBARGO

In the period since the adoption of resolution 1160 (1998) on 31 March 1998, there has been a continuing escalation of terrorist activities by Albanian extremists and separatists in Kosovo and Metohija; continued

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[b] For more detailed references, see the White Book, "Terrorism in Kosovo and Metohija and Albania", issued by the Federal Ministry of Foreign Affairs, Belgrade, September 1998; it was distributed to all the Missions of United Nations Member States in New York in September 1998.

infiltration from the territory of the Republic of Albania of armed groups; and illegal shipments of arms, ammunition and other military equipment.

The border units of the Yugoslav Army have confiscated in this period in the State border area:

Type of weapon	Total amount
Various rifles	1 098
Submachine guns and machine guns	177
Recoil-less guns	7
60 mm and 82 mm mortars	31
12.7 mm anti-aircraft machine guns	4
Portable grenade launchers	68
Handguns	31
Automatic guns	26
Hand grenades	3 396
Infantry ammunition	399 502
Portable launcher grenades	359
Mortar shells	422
Recoil-less gun shells	76
Explosives	208.2 kg
Anti-tank mines	66
S-2M system for anti-aircraft defence	2

In addition, the Republic of Serbia Interior Ministry officers in Kosmet have in the same period confiscated or have been voluntarily handed over a total of 10,427 firearms items smuggled in by Albanian terrorists, including:

Type of weapon	Total amount
Recoil-less guns	30
Mortars	59
Grenade launchers	288
"Armbrust", "Bazooka and Wasp rocket launchers	22
Rifles, submachine guns and machine guns	9 564
Handguns	438
Other firearms	26
Hand grenades	5 769
Recoil-less gun shells	12
Mortar shells	142
Portable launcher grenades	144
Explosives	13 kg
Infantry ammunition	1 284 180

The largest amount of weapons confiscated or still in the hands of Albanian terrorists in Kosmet originate from Albania. These weapons were in part acquired through State channels and in part stolen from the military depots.[c]

A sizeable part of the arsenals of terrorists originates from other countries. In Bosnia and Herzegovina, centres have been set up to procure and organize the transport of weapons intended for terrorists. These centres have been equipped with "Malutka", "Fagot" and "Pin" anti-armour rockets, anti-aircraft guns, "Bazooka" and "Wasp" portable launchers, self-propelled grenades, shells etc. From other countries, the terrorists have been supplied with state-of-the-art arms and matériel, such as Swiss-made 7.62 mm "Zig Sauer" sniper rifles, with fragmentation ammunition prohibited by international conventions; German SSG-99 sniper rifles; United States M-16 machine guns; quick-firing 12.7 mm "Browing" guns; 64 mm mortars; German "Armbrust" anti-armour missiles; British minesweepers; large-calibre snipers made in the United States etc. The bulk of these weapons are transported to the Republic of Albania by sea, and then by trucks to the terrorist bases in northern Albania, for illegal shipments into Kosmet.

The terrorist so-called KLA is also in possession of "Stinger" anti-aircraft missiles and modern equipment for satellite communication.

The most recent cases of confiscation of weapons destined for Kosmet have occurred, according to information obtained from the Western European Union Mission, in late October 1998, at the Albanian port of Durres, when there was an attempt to ship containers from Switzerland containing weapons, allegedly carrying humanitarian aid, to the members of the terrorist so-called KLA. The ship, "Raboka", which was used to transport the weapons, had a Croatian crew, and the transport was arranged by a Swiss non-governmental humanitarian organization.

On 26 October 1998, the Swiss federal police arrested a group of six persons (four of them were from the territory of former Yugoslavia, one Swiss and one citizen of an unnamed Arab nation), which pre-arranged this several million dollars' worth of arms delivery to the terrorists of the so-called KLA. On this occasion, the Swiss police also seized a large amount of weapons, half a ton of ammunition and 200,000 Swiss francs in cash.

On 28 November 1998, Croatian police seized 20 containers with weapons from two warehouses and from one lorry with Bosnia and Herzegovina number plates, at the port of Šibenik. On that occasion, police arrested three persons from Vitez and one each from Sarajevo and Šibenik, while warrants were issued by international police for two persons from Sarajevo, of whom one is Albanian. More than 3 million Deutsche marks worth of weapons originating from Bosnia and Herzegovina were intended to be sent to the so-called KLA in Kosmet, via the Albanian port of Durres.

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[c] According to the Secretary-General's report, during the course of 1996-1997, more than 650,000 weapons, 1.5 billion rounds of ammunition and 20,000 tons of explosives were looted from military depots in Albania; about 200,000 of these weapons were smuggled into Kosmet.

Italian police on several occasions cut the channels for smuggling arms intended for terrorists in Kosmet.

The arms smuggling in Kosmet is directly linked with drug trafficking and organized international crime in general (money-laundering, trading in persons, prostitution, to which numerous statements by the government representatives of many European States, as well as reports by Interpol, Europol and the world media, testify).

IV. ALBANIA: THE TERRORIST BASE IN EUROPE

The direct link of terrorists of the so-called KLA with organized international terrorism is undeniable. Documents, statements and other information found among terrorists infiltrating into Federal Republic of Yugoslavia territory testify to this.

The chaos in Albania made this country the largest centre of organized international crime, banditism and a springboard for extremist Islamic fundamentalism and terrorism, which uses the tension in Kosovo and Metohija for its expansion in Europe.

Camps and bases have been set up in northern Albania (Bajram Surri, Tropoje, Krum, Kukes and Peskopeja), where terrorists are recruited, armed and trained, and then infiltrated into Kosmet. One of the major headquarters of terrorists is located at Bajram Surri, and includes, among others, officers of the Albanian army, as well as instructors from Bosnia and Herzegovina of Albanian nationality, as well as terrorist instructors from the Middle East and the region of the Gulf. Centres for the recruitment of terrorists and fund-raising for the financing of terrorism are operational in many European countries and in the United States under the guise of humanitarian, cultural and similar organizations and clubs of the Albanian diaspora. Groups of terrorists are sent from these centres into training centres in Albania, and after they have been trained they illegally infiltrate into Federal Republic of Yugoslavia territory. In that context, the information is also relevant that a group of Kosmet Albanians are being educated at the Skenderbeg Military Academy at Tirana.

The OSCE Mission in Albania acknowledges the existence of camps, bases and cantonments for the gathering, arming and training of the members of the terrorist so-called KLA in northern Albania, illegal arms trade and a high level of criminal activities in northern Albania. In its report for the period from 1 to 10 December 1998, the Mission noted that in the area of Krum in Albania, there are members of the terrorist so-called KLA who stated that they would not stop their armed activities in Kosmet. It also stated that in the area of Krum and Haz, there are four camps for training of the members of the so-called KLA, as well as that they are in possession of modern arms which they exchange among themselves. The head of the Mission, Dan Everts, stated to Reuters on 21 December 1998 that illegal KLA operatives in northern Albania were actively engaged in preparations for the war in Kosovo and Metohija.

The world media state that the terrorists of the so-called KLA are using the ceasefire to regain territory from which the Serbian side had withdrawn for additional arming and terrorizing the Serb minority.

Foreign diplomats publicly assess that the KLA has become the greatest threat to peace, and that it uses the most brutal methods of fighting, both against the Serbs and against its fellow nationals. They state that the members of the self-proclaimed KLA have transformed the facilities of a closed chrome mine near Kukes in northern Albania into their arms and ammunition storehouse.

Recently, foreign agencies detected five notorious international terrorists at Tirana, who were arrested. Reliable information confirms that some of the terrorists from the Middle East have joined the terrorists of the so-called KLA as instructors in early December 1998. The information has been revealed that several terrorist mujahedin from Albania have been extradited to Egypt to stand trial for terrorist crimes.

During the trial of a French national in Albania, it has been established that the notorious Islamic terrorist Osama bin Laden was in Albania for the purpose of recruiting and arming the fighters of the so-called KLA. Much information has been published about the visits to Albania by bin Laden and his closest associates, their contacts with Albanian officials and the terrorists of the so-called KLA, and their joint plans for terrorism in Kosmet.

At the United States Central Intelligence Agency site on the Internet, there is information on the presence of mercenaries from Albania, Saudi Arabia, Yemen, Afghanistan, Bosnia and Herzegovina, and Croatia, as well as instructors from the United Kingdom of Great Britain and Northern Ireland and Germany, in the ranks of the terrorist so-called KLA.

V. FINANCING OF TERRORISM OF THE SO-CALLED KLA

Kosmet Albanians living abroad have been forced to pay 3 per cent of their earnings, mostly credited to outside bank accounts. Even false asylum seekers receiving social security from the budgets of the receiving countries (Germany, Switzerland, Austria, Sweden etc.) are obliged to make such payments.

The activities of the so-called KLA are financed through fund-raising and extorted contributions (paid by about 800,000 Kosmet Albanians working abroad), proceeds from drug trafficking of the Albanian narco-mafia, prostitution, arms smuggling and other criminal activities.

Bank accounts for contributions to terrorism in Kosmet exist in Switzerland, the United States, Norway, France, Italy, Belgium, Austria, Germany, Australia, Denmark, Sweden, the Netherlands and Canada, and have been advertised in the media and on the Internet.

The world media (Time, The New York Times, European, Frankfurter Algemeine Zeltung, Focus, Der Spiegel etc.) provide concrete data on the channels for financing terrorism in Kosmet, whose sources are most often linked to criminal

activities (drugs, money laundering, prostitution, acquirement of illegal passports, visas).

The funds raised in this way are used for the purchase of weapons and terrorist equipment, and the financing of pro-Albanian lobbies in the political circles and media of influential countries. Vast funds end up in the secret private accounts of the leaders of separatism and terrorism in European and other banks.

VI. SUMMARY

At this time, the escalation of insolent terrorist attacks, the abuse of reduced presence of the security forces and their restraint, as well as the abuse of the deployment of the Kosovo Verification Mission, represent the biggest obstacle to a peaceful political resolution. The negative attitude of leaders of some larger Albanian political parties towards the invitation by the State delegation to dialogue is an attempt to buy time for those who resort to terrorism and violence, provoke border incidents and create tensions.

Approaches which are in favour of any national or ethnic community or stir up separatism in phases, or which are imposed from outside, are not acceptable.

Kosmet is a multi-ethnic and multi-confessional environment. Together with the members of the Albanian national minority, over 600,000 non-Albanian citizens live there: 250,000 Serbs and Montenegrins, 150,000 Romanies, 150,000 Muslims and over 50,000 members of other nationalities. With a view to preventing manipulations over the number and the structure of the population, a census will be organized in the province.

The only way towards a lasting solution is political dialogue based on the 11-point framework of the Government of the Republic of Serbia.[d] The representatives of all national and ethnic communities, including two Albanian political parties, have accepted the joint agreement on the political framework of self-governance in Kosovo and Metohija of 25 November 1998. These documents guarantee the equality of all citizens, ethnic and national communities, international standards in the field of human rights and rights of national minorities,[e] as well as the sovereignty and territorial integrity of the Republic of Serbia and the Federal Republic of Yugoslavia.

The Federal Republic of Yugoslavia is committed:

(a) To the further consistent implementation of the agreement on the OSCE Kosovo Verification Mission and strict adherence to the Mission's mandate, no

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[d] See Security Council resolution 1203 (1998) of 24 October 1998, operative para. 2.

[e] On 4 December 1998, the Federal Assembly of the Federal Republic of Yugoslavia passed the Law on the affirmation of the Council of Europe Framework Convention for the Protection of National Minorities.

more and no less than what has been provided for in the agreement. Any third-party arrangements that might affect the interests of the Federal Republic of Yugoslavia are unacceptable. They cannot be used to impose directly or indirectly obligations on the Federal Republic of Yugoslavia;

(b) To guaranteeing security to all the citizens of Kosmet;

(c) To making a resolute response to all terrorist attacks and elimination of terrorism;

(d) To the protection of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and protection of the borders of the Federal Republic of Yugoslavia;

(e) To further cooperation with international humanitarian organizations in Kosmet, and guaranteeing the full freedom of movement and access to the Office of the United Nations High Commissioner for Refugees,[f] the International Committee of the Red Cross etc.

The progress of the political process in Kosmet essentially depends upon:

(a) The explicit condemnation of terrorism of the so-called KLA and placing it on the list of terrorist organizations;

(b) Demands for leaders of some political parties of the members of the Albanian national minority to publicly condemn terrorism and enter meaningful political dialogue, without delay and without preconditions, as the only way to reach a just and lasting solution;

(c) Efficient cutting off of resources of financing of terrorism from abroad;

(d) Cessation of all contacts with the terrorists and the representatives of the terrorist so-called KLA;

(e) Closing down the representative offices of the terrorist KLA, in particular the offices of the phantom "Kosovo Republic" and their training centres, particularly in European Union countries and in Switzerland;

(f) Condemnation of the Republic of Albania for its policy of open support to separatism and terrorism in Kosmet; the prevention of the infiltration of terrorists, mujahedin and arms into the Federal Republic of Yugoslavia territory; and closing down the recruitment, training and arming centres of terrorists in Albania.

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[f] During her visit to the Federal Republic of Yugoslavia on 22 December 1998, the United Nations High Commissioner for Refugees positively assessed the cooperation with the Federal Republic of Yugoslavia.